RECORD AND BRIEFS

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No. 16-373

IN THE

Supreme Court of the United States

CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM,
Petitioner,

v.

ANZ SECURITIES, INC., ET AL.,
Respondents.

On Writ of Certiorari
to the United States Court of Appeals
for the Second Circuit

JOINT APPENDIX

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RELEVANT DOCKET ENTRIES (COURT OF APPEALS)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

Case No. 15-1879

Date	#	Docket Text
06/11/2015	1	NOTICE OF CIVIL APPEAL, with district court docket, on behalf of Appellant California Public Employees' Retirement System, FILED. [1531725] [15-1879] [Entered: 06/12/2015 03:09 PM]
06/11/2015	2	DISTRICT COURT ORDER, dated 08/09/2013, RECEIVED.[1531729] [15-1879] [Entered: 06/12/2015 03:13 PM]
06/11/2015	3	DISTRICT COURT ORDER, dated 10/15/2012, RECEIVED.[1531731] [15-1879] [Entered: 06/12/2015 03:13 PM]
06/11/2015	4	DISTRICT COURT ORDER, dated 05/12/2015, RECEIVED.[1531733] [15-1879] [Entered: 06/12/2015 03:14 PM]
09/17/2015	40	BRIEF & SPECIAL APPENDIX, on behalf of Appellant California Public Employees' Retirement System, FILED. Service date 09/17/2015 by

		CM/ECF. [1601395] [15-1879] [Entered: 09/17/2015 08:58 PM]
09/17/2015	41	JOINT APPENDIX, volume 1 of 3, (pp. 1-286), on behalf of Appellant California Public Employees' Retirement System, FILED. Service date 09/17/2015 by CM/ECF.[1601396] [15-1879] [Entered: 09/17/2015 09:03 PM]
09/17/2015	42	JOINT APPENDIX, volume 2 of 3, (pp. 287-572), on behalf of Appellant California Public Employees' Retirement System, FILED. Service date 09/17/2015 by CM/ECF.[1601397] [15-1879] [Entered: 09/17/2015 09:05 PM]
09/17/2015	43	JOINT APPENDIX, volume 3 of 3, (pp. 573-824), on behalf of Appellant California Public Employees' Retirement System, FILED. Service date 09/17/2015 by CM/ECF.[1601398] [15-1879] [Entered: 09/17/2015 09:06 PM]
11/23/2015	63	BRIEF, on behalf of Appellee HVB Capital Markets, Inc., FILED. Service date 10/19/2015 by CM/ECF. [1649161] [15-1879] [Entered: 11/23/2015 04:16 PM]
12/17/2015	67	BRIEF, on behalf of Appellee ANZ Securities, Inc., Bankia, S.A., BBVA Securities Inc., BMO Capital Markets Corp., Fortis Securities,

		LLC, BNP Paribas S.A., BNY Mellon Capital Markets, LLC, CIBC World Markets Corp., Citigroup Global Markets Inc., Daiwa Capital Markets Europe Limited, DZ Financial Markets LLC, HSBC Securities (USA) Inc., ING Financial Markets LLC, Mizuho Securities USA, Inc., Muriel Siebert & Co., Inc., National Australia Capital Markets, LLC, Natixis Bleichroeder Incorporated, RBC Capital Markets Corporation, Greenwich Capital Markets, Inc., RBS WCS Holding Company, Santander Investment Securities Inc., Scotia Capital (USA) Inc., SG Americas Securities Holdings, LLC, Sovereign Securities Corporation, LLC, Suntrust Capital Markets, Inc., Utendahl Capital Partners, L.P., Wells Fargo Securities, LLC and Wachovia Capital Markets, LLC, FILED. Service date 12/17/2015 by CM/ECF. [1667173] [15-1879] [Entered: 12/17/2015 06:57 PM]
01/28/2016	81	REPLY BRIEF, on behalf of Appellant California Public Employees' Retirement System, FILED. Service date 01/28/2016 by CM/ECF. [1694146] [15-1879] [Entered: 01/28/2016 06:04 PM]

03/09/2016	87	ARGUMENT NOTICE, to attorneys/parties, TRANSMITTED.[1723352] [15-1879] [Entered: 03/09/2016 04:30 PM]
03/25/2016	92	FRAP 28(j) LETTER, dated 03/25/2016, on behalf of Appellee ANZ Securities, Inc., Bankia, S.A., BMO Capital Markets Corp., BNP Paribas S.A., BNY Mellon Capital Markets, LLC, CIBC World Markets Corp., Citigroup Global Markets Inc., Daiwa Capital Markets Europe Limited, DZ Financial Markets LLC, HSBC Securities (USA) Inc., ING Financial Markets LLC, Mizuho Securities USA, Inc., Muriel Siebert & Co., Inc., National Australia Capital Markets, LLC, Natixis Bleichroeder Incorporated, RBC Capital Markets Corporation, RBS WCS Holding Company, Santander Investment Securities Inc., Scotia Capital (USA) Inc., SG Americas Securities Holdings, LLC, Sovereign Securities Corporation, LLC, Suntrust Capital Markets, Inc., Utendahl Capital Partners, L.P. and Wells Fargo Securities, LLC, RECEIVED. Service date 03/25/2016 by CM/ECF.[1736757] [15-1879] [Entered: 03/25/2016 05:16 PM]

04/21/2016	95	CASE, before RKW, RCW, GEL, C.JJ., HEARD.[1755283] [15-1879] [Entered: 04/21/2016 11:29 AM]
05/23/2016	97	FRAP 28(j) LETTER, dated 05/23/2016, on behalf of Appellee ANZ Securities, Inc., Bankia, S.A., BMO Capital Markets Corp., BNP Paribas S.A., BNY Mellon Capital Markets, LLC, CIBC World Markets Corp., Citigroup Global Markets Inc., Daiwa Capital Markets Europe Limited, DZ Financial Markets LLC, HSBC Securities (USA) Inc., ING Financial Markets LLC, Mizuho Securities USA, Inc., Muriel Siebert & Co., Inc., National Australia Capital Markets, LLC, Natixis Bleichroeder Incorporated, RBC Capital Markets Corporation, RBS WCS Holding Company, Santander Investment Securities Inc., Scotia Capital (USA) Inc., SG Americas Securities Holdings, LLC, Sovereign Securities Corporation, LLC, Suntrust Capital Markets, Inc., Utendahl Capital Partners, L.P. and Wells Fargo Securities, LLC, RECEIVED. Service date 05/23/2016 by CM/ECF.[1777916] [15-1879] [Entered: 05/23/2016 03:22 PM]
07/08/2016	102	SUMMARY ORDER AND JUDGMENT, affirming the district

		court judgment, by RKW, RCW, GEL, FILED.[1810638] [15-1879] [Entered: 07/08/2016 09:25 AM]
07/29/2016	104	JUDGMENT MANDATE, ISSUED.[1828352] [15-1879] [Entered: 07/29/2016 10:11 AM]
09/26/2016	106	U.S. SUPREME COURT NOTICE of writ of certiorari filing, dated 09/22/2016, U.S. Supreme Court docket # 16-373, RECEIVED.[1870898] [15-1879] [Entered: 09/26/2016 03:22 PM]
01/17/2017	107	U.S. SUPREME COURT NOTICE, dated 01/13/2017, U.S. Supreme Court docket # 16-373, stating the petition for writ of certiorari is granted limited to Question 1 presented by the petition, RECEIVED.[1948921] [15-1879] [Entered: 01/17/2017 03:35 PM]

RELEVANT DOCKET ENTRIES
(CALPERS DISTRICT COURT DOCKET)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE #: 1:11-cv-01281-LAK

Date	#	Docket Text
02/07/2011	1	COMPLAINT for Violation of the Federal Securities Laws & Demand for Jury Trial -[Summons Issued] against ABN Amro Inc., Michael L. Ainslie, John F. Akers, Anz Securities, Inc., BBVA Securities Inc., BNP Paribas S.A., BNY Capital Markets, Inc., Roger S. Berlind, CIBC World Markets Corp., Cabrera Capital Markets, LLC, Caja De Ahorros Y Monte De Piedad De Madrid, Erin M. Callan, Citigroup Global Markets Inc., Thomas H. Cruikshank, DZ Financial Markets LLC, Daiwa Securities SMBC Europe Limited, Marsha Johnson Evans, Fortis Securities LLC, Richard S. Fuld, Jr, Sir Christopher Gent, Greenwich Capital Markets, Inc., HSBC Securities (USA) Inc., HVB Capital Markets, Inc., Harris Nesbitt Corp., Roland A. Hernandez, ING Financial Markets LLC, Henry Kaufman, Loop Capital Markets, LLC, M.R. Beal & Company, John D.

		Macomber, Mellon Financial Markets, LLC, Mizuho Securities USA Inc., Muriel Siebert & Co., Inc., Natexis Bleichroeder Inc., National Australia Capital Markets, LLC, Christopher M. O'Meara, RBC Capital Markets Corporation, SG Americas Securities, LLC, Santander Investment Securities Inc., Scotia Capital (USA) Inc., Sovereign Securities Corporation, LLC, Suntrust Capital Markets, Inc., The Williams Capital Group, L.P., Utendahl Capital Partners, L.P., Wachovia Capital Markets, LLC & Wells Fargo Securities, LLC, [Filing Fee: $350.00, Receipt Number 34611056001] Filed by Plaintiff The California Public Employees' Retirement System. (tn, COURT STAFF) (Filed on 2/7/2011) (tnS,). (Additional attachment(s) added on 2/24/2011: # 1 Complaint) (tnS,). [Transferred from California Northern on 2/25/2011.] (Entered: 02/08/2011)
02/24/2011	5	CONDITIONAL TRANSFER ORDER (CTO-14) by The United States Judicial Panel on Multidistrict Litigation TRANSFERRING CASE to the United States District Court for the Sourthern District of New York, MDL No. 2017. (tnS,) (Filed on 2/24/2011) [Transferred from

		California Northern on 2/25/2011.] (Entered: 02/24/2011)
10/07/2011	14	AMENDED COMPLAINT FOR VIOLATION OF THE FEDERAL SECURITIES LAWS amending 1 Complaint against ABN AMRO Inc., ANZ Securities, Inc., Michael L. Ainslie, John F. Akers, BBVA Securities Inc., BNP Paribas S.A., BNY Capital Markets, Inc., Roger S. Berlind, CIBC World Markets Corp., Cabrera Capital Markets, LLC, Caja de Ahorros y Monte de Piedad de Madrid, Erin M. Callan, Citigroup Global Markets Inc., Thomas H. Cruikshank, DZ Financial Markets LLC, Daiwa Securities SMBC Europe Limited, Marsha Johnson Evans, Fortis Securities LLC, Richard S. Fuld, Jr, Sir Christopher Gent, Greenwich Capital Markets, Inc., HSBC Securities (USA) Inc., HVB Capital Markets, Inc., Harris Nesbitt Corp., Roland A. Hernandez, Ing Financial Markets LLC, Henry Kaufman, Loop Capital Markets, LLC, M.R. Beal & Company, John D. Macomber, Mellon Financial Markets, LLC, Mizuho Securities USA Inc., Muriel Siebert & Co., Inc., Natexis Bleichroeder Inc., National Australia Capital Markets, LLC, Christopher M. O'Meara, RBC Capital Markets Corporation, SG

		Americas Securities, LLC, Santander Investment Securities Inc., Scotia Capital (USA) Inc., Sovereign Securities Corporation, LLC, Suntrust Capital Markets, Inc., The Williams Capital Group, L.P., Utendahl Capital Partners, L.P., Wachovia Capital Markets, LLC, Wells Fargo Securities, LLC with JURY DEMAND.Document filed by The California Public Employees' Retirement System. Related document: 1 Complaint filed by The California Public Employees' Retirement System.(lmb) (Entered: 10/14/2011)
01/06/2012	28	MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiff's Second Amended Complaint, dated January 6, 2012.* Document filed by ABN AMRO Inc., ANZ Securities, Inc., BBVA Securities Inc., BMO Capital Markets Corp., BNP Paribas S.A., BNY Capital Markets, Inc., CIBC World Markets Corp., Caja de Ahorros y Monte de Piedad de Madrid, Citigroup Global Markets Inc., DZ Financial Markets LLC, Daiwa Securities SMBC Europe Limited, Fortis Securities, LLC, HSBC Securities (USA) Inc., Ing Financial Markets LLC, Loop Capital Markets, LLC, Mellon Financial Markets, LLC,

		Mizuho Securities USA, Inc., Muriel Siebert & Co., Inc., National Australia Capital Markets, LLC, Natixis Bleichroeder Inc., RBC Capital Markets Corp., RBS Greenwich Capital, SG Americas Securities LLC, Santander Investment Securities Inc., Scotia Capital (USA) Inc., Sovereign Securities Corporation LLC, Suntrust Capital Markets, Inc., Utendahl Capital Partners, L.P., Wachovia Capital Markets LLC, Wells Fargo Securities, LLC. Responses due by 2/6/2012Filed In Associated Cases: 1:09-md-02017-LAK, 1:11-cv-01281-LAK(Lowenthal, Mitchell) (Entered: 01/06/2012)
01/06/2012	29	MEMORANDUM OF LAW in Support re: (28 in 1:11-cv-01281-LAK, 557 in 1:09-md-02017-LAK) MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiff's Second Amended Complaint, dated January 6, 2012.*. Document filed by ABN AMRO Inc., ANZ Securities, Inc., BBVA Securities Inc., BMO Capital Markets Corp., BNP Paribas S.A., BNY Capital Markets, Inc., CIBC World Markets Corp., Caja de Ahorros y Monte de Piedad de Madrid, Citigroup Global Markets Inc., DZ Financial Markets LLC, Daiwa

		Securities SMBC Europe Limited, Fortis Securities, LLC, HSBC Securities (USA) Inc., Ing Financial Markets LLC, Loop Capital Markets, LLC, Mellon Financial Markets, LLC, Mizuho Securities USA, Inc., Muriel Siebert & Co., Inc., National Australia Capital Markets, LLC, Natixis Bleichroeder Inc., RBC Capital Markets Corp., RBS Greenwich Capital, SG Americas Securities LLC, Santander Investment Securities Inc., Scotia Capital (USA) Inc., Sovereign Securities Corporation LLC, Suntrust Capital Markets, Inc., Utendahl Capital Partners, L.P., Wachovia Capital Markets LLC, Wells Fargo Securities, LLC. Filed In Associated Cases: 1:09-md-02017-LAK, 1:11-cv-01281-LAK(Lowenthal, Mitchell) (Entered: 01/06/2012)
01/06/2012	34	DECLARATION of Brendan H. Gibbon in Support re: (574 in 1:09-md-02017-LAK, 103 in 1:09-cv-01239-LAK, 85 in 1:09-cv-03476-LAK, 86 in 1:09-cv-03474-LAK, 56 in 1:09-cv-06040-LAK, 86 in 1:09-cv-03475-LAK, 89 in 1:09-cv-01944-LAK, 54 in 1:09-cv-06652-LAK, 93 in 1:09-cv-01238-LAK) MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiffs' Consolidated First Amended Complaint, dated January*

		6, 2012., (75 in 1:09-cv-01231-LAK, 75 in 1:09-cv-01237-LAK, 78 in 1:09-cv-01235-LAK, 76 in 1:09-cv-01230-LAK, 587 in 1:09-md-02017-LAK, 77 in 1:09-cv-01232-LAK) MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiffs' Consolidated First Amended Complaint, dated January 6, 2012.*, (145 in 1:09-cv-02363-LAK, 575 in 1:09-md-02017-LAK) MOTION to Dismiss *Plaintiffs' Second Amended Complaint.*, (52 in 1:09-cv-07877-LAK, 80 in 1:09-cv-01946-LAK, 51 in 1:09-cv-07878-LAK, 568 in 1:09-md-02017-LAK, 77 in 1:09-cv-03467-LAK, 76 in 1:09-cv-03468-LAK, 74 in 1:09-cv-03478-LAK) MOTION to Dismiss /*Notice of Motion by Bank Defendants to Dismiss Plaintiffs' Consolidated First Amended Complaint, dated January 6, 2012.*, (28 in 1:11-cv-01281-LAK, 557 in 1:09-md-02017-LAK) MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiff's Second Amended Complaint, dated January 6, 2012.*, (49 in 1:09-cv-06041-LAK, 571 in 1:09-md-02017-LAK) MOTION to Dismiss *Plaintiff's Amended Complaint.*, (570 in 1:09-md-02017-LAK, 25 in 1:11-cv-03892-LAK) MOTION to Dismiss / *Notice of Motion by Bank Defendants to*

		Dismiss Plaintiff's Amended Complaint, dated January 6, 2012.. Document filed by A.G. Edwards & Sons, Inc., ABN AMRO Holding N.V., ABN AMRO Inc., ANZ Securities, Inc., BBVA Securities Inc., BMO Capital Markets Corp., BNP Paribas S.A., BNY Capital Markets, Inc., BNY Mellon Capital Markets, LLC, Banc of America Securities LLC, Banca IMI, S.p.A., CIBC World Markets Corp., Caja de Ahorros y Monte de Piedad de Madrid, Calyon Securities (USA) Inc., Citigroup Global Markets Inc., Commerzbank Capital Markets Corp., Countrywide Securities Corp., DZ Financial Markets LLC, Daiwa Securities SMBC Europe Limited, Edward D. Jones & Co., L.P., Fidelity Capital Markets Services, Fortis Securities, LLC, HSBC Securities (USA) Inc., Hypo Capital Markets, Inc., Ing Financial Markets LLC, LaSalle Financial Services, inc., Loop Capital Markets, LLC, Mellon Financial Markets, LLC, Merrill Lynch, Pierce, Fenner & Smith, Inc., Mizuho Securities USA, Inc., Morgan Stanley & Co. Inc., Muriel Siebert & Co., Inc., National Australia Bank Limited, National Australia Capital Markets, LLC, Natixis Bleichroeder Inc., RBC Capital Markets Corp., RBS

		Greenwich Capital, Raymond James & Associates, Inc., SG Americas Securities LLC, Santander Investment Securities Inc., Scotia Capital (USA) Inc., Siebert Capital Markets, Sovereign Securities Corporation LLC, Standard Chartered Bank, Suntrust Capital Markets, Inc., UBS Securities LLC, Utendahl Capital Partners, L.P., Wachovia Capital Markets LLC, Wells Fargo Securities, LLC, Zions Direct, Inc., UBS Investment Bank, Wachovia Securities. (Attachments: # 1 Exhibits 1-19, # 2 Exhibits 20-28, # 3 Exhibits 29-34, # 4 Exhibits 35-39, # 5 Exhibits 40-41, # 6 Exhibits 42-44)Filed In Associated Cases: 1:09-md-02017-LAK et al.(Cooper, Roger) (Entered: 01/06/2012)
02/13/2012	44	MEMORANDUM OF LAW in Opposition re: (35 in 1:11-cv-01281-LAK, 623 in 1:09-md-02017-LAK) MOTION to Dismiss --*Motions to Dismiss and Joinders in Motions to Dismiss Certain Individual Actions.*, (596 in 1:09-md-02017-LAK) MOTION to Dismiss / *Notice of Motion by HVB Capital Markets Inc. to Dismiss Certain Individual Actions.*, (42 in 1:11-cv-01281-LAK) MOTION to Dismiss / *Notice of Motion by HVB Capital Markets Inc. to Dismiss Certain Individual*

		Actions; "This document was previously served and filed in 09-MD-2017 on 1/6/12 and is now being docketed in this action"., (28 in 1:11-cv-01281-LAK, 557 in 1:09-md-02017-LAK) MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiff's Second Amended Complaint, dated January 6, 2012.*, (40 in 1:11-cv-01281-LAK, 659 in 1:09-md-02017-LAK) MOTION to Dismiss - *Joinder to the Bank Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint. Plaintiff CalPERS's Opposition to All Defendants' Motions to Dismiss.* Document filed by The California Public Employees' Retirement System. Filed In Associated Cases: 1:09-md-02017-LAK, 1:11-cv-01281-LAK(Egler, Thomas) (Entered: 02/13/2012)
03/05/2012	49	REPLY MEMORANDUM OF LAW in Support / *Bank Defendants' Reply Memorandum of Law in Further Support of Their Motion to Dismiss Plaintiffs' Second Amended Complaint, dated March 5, 2012 re 557 , 558 and 705 in case no. 09MD2017.* Document filed by ABN AMRO Inc., ANZ Securities, Inc., BBVA Securities Inc., BMO Capital Markets Corp., BNP Paribas S.A., BNY Mellon Capital Markets, LLC,

		CIBC World Markets Corp., Caja de Ahorros y Monte de Piedad de Madrid, Citigroup Global Markets Inc., DZ Financial Markets LLC, Daiwa Securities SMBC Europe Limited, Fortis Securities, LLC, HSBC Securities (USA) Inc., Ing Financial Markets LLC, Loop Capital Markets, LLC, Mellon Financial Markets, LLC, Mizuho Securities USA, Inc., Muriel Siebert & Co., Inc., National Australia Capital Markets, LLC, Natixis Bleichroeder Inc., RBC Capital Markets Corp., RBS Greenwich Capital, SG Americas Securities LLC, Santander Investment Securities Inc., Scotia Capital (USA) Inc., Sovereign Securities Corporation LLC, Suntrust Capital Markets, Inc., Utendahl Capital Partners, L.P., Wachovia Capital Markets LLC, Wells Fargo Securities, LLC. Filed In Associated Cases: 1:09-md-02017-LAK, 1:11-cv-01281-LAK(Hou, Victor) (Entered: 03/05/2012)
12/18/2012	79	PRETRIAL ORDER NO. 51 (Calpers - Motion to Dismiss): granting (557) Motion to Dismiss in case 1:09-md-02017-LAK-GWG; granting; Motion to Dismiss in case 1:11-cv-01281-LAK. As further set forth in this Order, the motions of the Bank Defendants, joined in by Beal,

		Cabrera, and Williams (MDL Dkt. 557) and E&Y (MDL Dkt. 623) to dismiss the complaint are granted to the extent that they rest on alleged misstatements and omissions as to which this Court previously held the third amended complaint in the class action insufficient in Lehman Equity/Debt, and denied in all other respects. The denial is without prejudice to renewal after the disposition of IFM, save that E&Y's motion with respect to the claim based on the May 2008 offering is rejected with prejudice. This order terminates MDL Dkt. 557. It does not terminate MDL Dkt. 596 or MDL Dkt. 623, as they remain pending in certain respects to other cases. The parties shall submit, on or before January 3, 2013, an agreed form of order implementing the decision. (Signed by Judge Lewis A. Kaplan on 12/18/2012) Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(ja) (Entered: 12/18/2012)
07/09/2013	108	PRETRIAL ORDER NO. 70 (Calpers-Renewed Motion to Dismiss): Plaintiff California Public Employees' Retirement System ("Calpers") shall file a brief not to exceed 10 pages on or before July 19, 2013 showing cause why the claims asserted in its

		complaint in connection with the May 2008 offering of Lehman 7.5% notes should not be dismissed as time-barred following the Second Circuit's decision in In re Indymac Mortgage-Backed Sec. Litig., No. 11-2998-cv(L). Defendants may file a reply memorandum not to exceed 5 pages no later than July 26, 2013. (Signed by Judge Lewis A. Kaplan on 7/9/2013) Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(mro) (Entered: 07/11/2013)
07/19/2013	111	RESPONSE re: (1254 in 1:09-md-02017-LAK-GWG) Pretrial Order,,, *Plaintiff's Response to Pretrial Order No. 70*. Document filed by The California Public Employees' Retirement System. Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(Egler, Thomas) (Entered: 07/19/2013)
07/25/2013	112	REPLY MEMORANDUM OF LAW re: (1261 in 1:09-md-02017-LAK-GWG) Response, */Defendants' Reply Memorandum of Law in Response to Pretrial Order Number 70 and in Support of their Renewed Motion to Dismiss Plaintiff's Time-Barred Securities Act Claims, dated July 25, 2013*. Document filed by Bank Defendants. (Attachments:

		# 1 Exhibit A)Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(Lowenthal, Mitchell) (Entered: 07/25/2013)
08/09/2013	114	PRETRIAL ORDER NO. 73 (Calpers-Response to Pretrial Order No. 70): The Bank Defendants' motion to dismiss the complaint (MDL Dkt. 557 and 11 Civ. 1281 Dkt. 28) is reinstated and granted as to all Securities Act claims for all securities except those issued in the May 2008 offering substantially for the reasons stated in movants' response to Pretrial Order No. 70 (MDL Dkt. 1265 and 11 Civ. 1281 Dkt 112). Motions terminated: (28 in 1:11-cv-01281-LAK, 557 in 1:09-md-02017-LAK-GWG) MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiff's Second Amended Complaint, dated January 6, 2012.* filed by DZ Financial Markets LLC, BMO Capital Markets Corp., Caja de Ahorros y Monte de Piedad de Madrid, RBC Capital Markets Corp., RBS Greenwich Capital, Sovereign Securities Corporation LLC, BNP Paribas S.A., National Australia Capital Markets, LLC, CIBC World Markets Corp., Scotia Capital (USA) Inc., Daiwa Securities SMBC Europe Limited, Ing Financial Markets LLC, BNY Capital

		Markets, Inc., HSBC Securities (USA) Inc., Mellon Financial Markets, LLC, Citigroup Global Markets Inc., Wells Fargo Securities, LLC, Fortis Securities, LLC, ABN AMRO Inc., Suntrust Capital Markets, Inc., BBVA Securities Inc., Natixis Bleichroeder Inc., ANZ Securities, Inc., Loop Capital Markets, LLC, Wachovia Capital Markets LLC, Mizuho Securities USA, Inc., Santander Investment Securities Inc., Muriel Siebert & Co., Inc., SG Americas Securities LLC, Utendahl Capital Partners, L.P. (Signed by Judge Lewis A. Kaplan on 8/9/2013) Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(mro) (Entered: 08/12/2013)

RELEVANT DOCKET ENTRIES
(MDL DOCKET)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CASE #: 1:09-md-02017-LAK-GWG

Date	#	Docket Text
01/09/2009	1	PRETRIAL ORDER NO. 1 (Initial Case Management Order)... The following actions are consolidated for all pretrial purposes with 08 Civ. 5523 (LAK): 08 Civ. 5523, 08 Civ. 8225, 08 Civ. 9404, 08 Civ. 9578, 08 Civ. 9793, 08 Civ. 10008, 08 Civ. 10058, and 08 Civ. 10206. They are referred to collectively as In re Lehman Brothers Equity/Debt Securities Litigation. The following actions are consolidated for all purposes into 08 Civ. 6762 (LAK), and the caption of that action is amended to be In re Lehman Brothers Mortgage-Backed Securities Litigation: 08 Civ. 6762 and 08 Civ. 10686. In re Lehman Brothers Equity/Debt Securities Litigation (08 Civ. 5523 (LAK)), In re Lehman Brothers Mortgage-Backed Securities Litigation (08 Civ. 6762) (LAK) and In re Lehman Brothers ERISA Litigation (08 Civ.

		5598 (LAK)) are consolidated for discovery purposes. The Clerk will maintain a master docket and case file under the style In re Lehman Brothers Securities and ERISA Litigation to which he shall assign a file number in the "MD" series... There shall be a single consolidated amended complaint in each of In re Lehman Brothers Equity/Debt Securities Litigation and In re Lehman Brothers Mortgage-Backed Securities Litigation, each of which shall be served and filed no later than 45 days after the date hereof. Defendants thereafter shall answer, move or otherwise response thereto no later than 45 days later... This order resolves, and the clerk shall terminate, the following motions: (Case No. followed by Document Item(s): 08 Civ. 5523 9, 14, 17, 19, 22, 26; 08 Civ. 6762, 21; 08 Civ. 8225 40, 44, 47, 50, 60, 71; 08 Civ. 9404 14, 18, 21, 23, 26, 30; 08 Civ. 9578 9, 14, 17, 19, 22, 26; 08 Civ. 9793 16; 08 Civ. 10008 2, 8; 08 Civ. 10058 4, 8, 11, 13, 16, 20; 08 Civ. 10206 5, 9, 17... and as further set forth in said Pretrial Order No. 1. (Signed by Judge Lewis A. Kaplan on 1/9/09) Filed In Associated Cases: 1:21-mc-00104-LAK et al.(rjm) (Entered: 01/12/2009)

02/23/2009	30	SECOND AMENDED CONSOLIDATED CLASS ACTION COMPLAINT FOR VOILATIONS OF THE FEDERAL SECURITIES LAWS (Jury Trial demanded). Entered as Doc. No. 89 in Case No. 08cv5523, amending 52 Amended Complaint, against Ian Lowitt, Michael L. Ainslie, John F. Akers, Roger S. Berlind, Thomas H. Cruikshank, Marsha Johnson Evans, Christopher Gent, Roland A. Hernandez, Henry Kaufman, John d. Macomber, ABN AMRO Holding N.V., ANZ Securities, Inc., Banc of America Securities LLC, BBVA Securities Inc., BNY Capital Markets, Inc., Cabrera Capital Markets, LLC, Caja de Ahorros y Monte de Piedad de Madrid, CIBC World Markets Corp., Citigroup Global Markets Inc., Daiwa Securities SMBC Europe Limited, DnB NOR Markets, DZ Financial Markets LLC, RBS Greenwich Capital, Harris Nesbitt Corp., HVB Capital Markets, Inc., Loop Capital Markets, LLC, Mellon Financial Markets, LLC, Merrill Lynch, Pierce, Fenner & Smith Inc., Mizuho Securities USA, Inc., Morgan Stanley & Co. Inc., nabCapital Securities, LLC, RBC Dain Rauscher Inc., Santander

		Investment Securities Inc., Siebert Capital Markets, SG Corporate & Investment Banking, Sovereign Securities Corporation, LLC, SunTrust Robinson Humphrey, Inc., UBS Securities LLC, Utendahl Capital Partners, L.P., Wachovia Capital Markets, LLC, Wells Fargo Securities, LLC, William Capital Group, L.P., Richard S. Fuld, Jr, Christopher M. O'Meara, Joseph M. Gregory, Erin Callan.Document filed by Rick Fleischman, Stephen Gott, Island Medical Group, Karim Kano, Michael Karfunkel, Marsha Kosseff, Ann Lee, Francisco Perez, Ronald Profili, Shea-Edwards Limited Partnership, Fred Telling, Grace Wang, Zahniser Trust, Northern Ireland Local Governmental Officers Superannuation Committee, Alameda County Employees' Retirement Association, Government of Guam Retirement Fund, Operating Engineers Local 3 Trust Fund, Police and Fire Retirement System of the City of Detroit, Teamsters Allied Benefit Funds, American European Insurance Company, Inter-Local Pension Fund Graphic Communications Conference of the International Brotherhood of

		Teamsters, Brockton Contributory Retirement System, Belmont Holdings Corp., The City of Edinburgh Council as Administering Authority of the Lothian Pension Fund. Related document: 52 Amended Complaint,,,,,,,, filed by American European Insurance Company, Government of Guam Retirement Fund, Marsha Kosseff, Inter-Local Pension Fund Graphic Communications Conference of the International Brotherhood of Teamsters, The City of Edinburgh Council as Administering Authority of the Lothian Pension Fund, Teamsters Allied Benefit Funds, Alameda County Employees' Retirement Association, Police and Fire Retirement System of the City of Detroit, Operating Engineers Local 3 Trust Fund, Northern Ireland Local Governmental Officers Superannuation Committee, Fire & Police Pension Association of Colorado and Brockton Contributory Retirement System.(rjm) Modified on 3/4/2009 (rjm). (Additional attachment(s) added on 3/11/2009: # 1 Appendix Appendix A, # 2 Appendix Appendix B) (ad). (Entered: 03/04/2009)

04/23/2010	278	THIRD AMENDED COMPLAINT amending 89 (in Case No. 08-5523) Amended Complaint against Ernst & Young LLP, Ian Lowitt, Michael L. Ainslie, John F. Akers, Roger S. Berlind, Thomas H. Cruikshank, Marsha Johnson Evans, Christopher Gent, Roland A. Hernandez, Henry Kaufman, John d. Macomber, ABN AMRO Holding N.V., ANZ Securities, Inc., Banc of America Securities LLC, BBVA Securities Inc., BNY Capital Markets, Inc., Cabrera Capital Markets, LLC, Caja de Ahorros y Monte de Piedad de Madrid, CIBC World Markets Corp., Citigroup Global Markets Inc., Daiwa Securities SMBC Europe Limited, DnB NOR Markets, DZ Financial Markets LLC, RBS Greenwich Capital, Harris Nesbitt Corp., HVB Capital Markets, Inc., Loop Capital Markets, LLC, Mellon Financial Markets, LLC, Merrill Lynch, Pierce, Fenner & Smith Inc., Mizuho Securities USA, Inc., Morgan Stanley & Co. Inc., nabCapital Securities, LLC, RBC Dain Rauscher Inc., Santander Investment Securities Inc., Siebert Capital Markets, SG Corporate & Investment Banking, Sovereign Securities Corporation, LLC,

		SunTrust Robinson Humphrey, Inc., UBS Securities LLC, Utendahl Capital Partners, L.P., Wachovia Capital Markets, LLC, Wells Fargo Securities, LLC, William Capital Group, L.P., M.R. Beal & Company, BNP Paribas S.A., Charles Schwab & Co., Inc., Commerzbank Capital Markets Corp., Edward D. Jones & Co., L.P., Fidelity Capital Markets Services, HSBC Securities (USA) Inc., Incapital LLC, Ing Financial Markets LLC, Muriel Siebert & Co., Inc., Natixis Bleichroeder Inc., Raymond James & Associates, Inc., Scotia Capital (USA) Inc., SG Americas Securities LLC, TD Securities (USA) LLC, UBS Financial Services Inc., BNY Mellon Capital Markets, LLC, Calyon Securities USA Inc, DnB NOR Markets Inc, BMO Capital Markets Corp, National Australia Bank Limited, RBC Capital Markets Corp., Wachovia Securities LLC, The Williams Capital Group LP, Lehman Brothers Holdings, Inc., Richard S. Fuld, Jr, Christopher M. O'Meara, A.G. Edwards & Sons, Inc., Cabrera Capital Markets LLC, DnB NOR Markets Inc., Fortis Securities, LLC, BMO Capital Markets Corp., HSBC Securities (USA) Inc., Merrill

		Lynch, Pierce, Fenner & Smith, Inc., Scotia Capital (USA) Inc., Sovereign Securities Corporation LLC, Standard Chartered Bank, TD Securities (USA) LLC, Wachovia Capital Markets LLC, Wachovia Securities, LLC, The Williams Capital Group L.P., Zions Direct, Inc., Joseph M. Gregory, RBS Securities Inc., Erin Callan.Document filed by Northern Ireland Local Governmental Officers Superannuation Committee, Alameda County Employees' Retirement Association, Government of Guam Retirement Fund, Operating Engineers Local 3 Trust Fund, Police and Fire Retirement System of the City of Detroit, Teamsters Allied Benefit Funds, American European Insurance Company, Inter-Local Pension Fund Graphic Communications Conference of the International Brotherhood of Teamsters, Marsha Kosseff, Brockton Contributory Retirement System, Belmont Holdings Corp., Rick Fleischman, Stephen Gott, Island Medical Group, Karim Kano, Michael Karfunkel, Ann Lee, Francisco Perez, Ronald Profili, Shea-Edwards Limited Partnership, Fred Telling, Grace

		Wang, The City of Edinburgh Council as Administering Authority of the Lothian Pension Fund. Related document: 89 Amended Complaint filed by Zahniser Trust, Island Medical Group, American European Insurance Company, The City of Edinburgh Council as Administering Authority of the Lothian Pension Fund, Grace Wang, Ann Lee, Stephen Gott, Belmont Holdings Corp., Police and Fire Retirement System of the City of Detroit, Operating Engineers Local 3 Trust Fund, Michael Karfunkel, Ronald Profili, Government of Guam Retirement Fund, Fred Telling, Marsha Kosseff, Inter-Local Pension Fund Graphic Communications Conference of the International Brotherhood of Teamsters, Brockton Contributory Retirement System, Karim Kano, Teamsters Allied Benefit Funds, Alameda County Employees' Retirement Association, Shea-Edwards Limited Partnership, Rick Fleischman, Francisco Perez, Northern Ireland Local Governmental Officers Superannuation Committee. Entered as Doc. No. 212 in case no. 08-5523.(rjm) (Entered: 04/30/2010)

12/16/2011	551	SECOND AMENDED COMPLAINT against All Defendants with JURY DEMAND.Document filed by The California Public Employees' Retirement System. (This document has been filed in 11cv1281 as document #26).(pl) (Entered: 12/19/2011)
01/06/2012	557	MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiff's Second Amended Complaint, dated January 6, 2012.* Document filed by ABN AMRO Inc., ANZ Securities, Inc., BBVA Securities Inc., BMO Capital Markets Corp., BNP Paribas S.A., BNY Capital Markets, Inc., CIBC World Markets Corp., Caja de Ahorros y Monte de Piedad de Madrid, Citigroup Global Markets Inc., DZ Financial Markets LLC, Daiwa Securities SMBC Europe Limited, Fortis Securities, LLC, HSBC Securities (USA) Inc., Ing Financial Markets LLC, Loop Capital Markets, LLC, Mellon Financial Markets, LLC, Mizuho Securities USA, Inc., Muriel Siebert & Co., Inc., National Australia Capital Markets, LLC, Natixis Bleichroeder Inc., RBC Capital Markets Corp., RBS Greenwich Capital, SG Americas Securities

		LLC, Santander Investment Securities Inc., Scotia Capital (USA) Inc., Sovereign Securities Corporation LLC, Suntrust Capital Markets, Inc., Utendahl Capital Partners, L.P., Wachovia Capital Markets LLC, Wells Fargo Securities, LLC. Responses due by 2/6/2012Filed In Associated Cases: 1:09-md-02017-LAK, 1:11-cv-01281-LAK(Lowenthal, Mitchell) (Entered: 01/06/2012)
01/06/2012	558	MEMORANDUM OF LAW in Support re: (28 in 1:11-cv-01281-LAK, 557 in 1:09-md-02017-LAK) MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiff's Second Amended Complaint, dated January 6, 2012*.. Document filed by ABN AMRO Inc., ANZ Securities, Inc., BBVA Securities Inc., BMO Capital Markets Corp., BNP Paribas S.A., BNY Capital Markets, Inc., CIBC World Markets Corp., Caja de Ahorros y Monte de Piedad de Madrid, Citigroup Global Markets Inc., DZ Financial Markets LLC, Daiwa Securities SMBC Europe Limited, Fortis Securities, LLC, HSBC Securities (USA) Inc., Ing Financial Markets LLC, Loop Capital Markets, LLC, Mellon Financial Markets, LLC, Mizuho

		Securities USA, Inc., Muriel Siebert & Co., Inc., National Australia Capital Markets, LLC, Natixis Bleichroeder Inc., RBC Capital Markets Corp., RBS Greenwich Capital, SG Americas Securities LLC, Santander Investment Securities Inc., Scotia Capital (USA) Inc., Sovereign Securities Corporation LLC, Suntrust Capital Markets, Inc., Utendahl Capital Partners, L.P., Wachovia Capital Markets LLC, Wells Fargo Securities, LLC. Filed In Associated Cases: 1:09-md-02017-LAK, 1:11-cv-01281-LAK(Lowenthal, Mitchell) (Entered: 01/06/2012)
01/06/2012	597	DECLARATION of Brendan H. Gibbon in Support re: (574 in 1:09-md-02017-LAK, 103 in 1:09-cv-01239-LAK, 85 in 1:09-cv-03476-LAK, 86 in 1:09-cv-03474-LAK, 56 in 1:09-cv-06040-LAK, 86 in 1:09-cv-03475-LAK, 89 in 1:09-cv-01944-LAK, 54 in 1:09-cv-06652-LAK, 93 in 1:09-cv-01238-LAK) MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiffs' Consolidated First Amended Complaint, dated January 6, 2012.*, (75 in 1:09-cv-01231-LAK, 75 in 1:09-cv-01237-LAK, 78 in 1:09-cv-01235-LAK, 76 in 1:09-cv-01230-LAK, 587 in 1:09-md-02017-LAK,

		77 in 1:09-cv-01232-LAK) MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiffs' Consolidated First Amended Complaint, dated January 6, 2012.*, (145 in 1:09-cv-02363-LAK, 575 in 1:09-md-02017-LAK) MOTION to Dismiss *Plaintiffs' Second Amended Complaint.*, (52 in 1:09-cv-07877-LAK, 80 in 1:09-cv-01946-LAK, 51 in 1:09-cv-07878-LAK, 568 in 1:09-md-02017-LAK, 77 in 1:09-cv-03467-LAK, 76 in 1:09-cv-03468-LAK, 74 in 1:09-cv-03478-LAK) MOTION to Dismiss /*Notice of Motion by Bank Defendants to Dismiss Plaintiffs' Consolidated First Amended Complaint, dated January 6, 2012.*, (28 in 1:11-cv-01281-LAK, 557 in 1:09-md-02017-LAK) MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiff's Second Amended Complaint, dated January 6, 2012.*, (49 in 1:09-cv-06041-LAK, 571 in 1:09-md-02017-LAK) MOTION to Dismiss *Plaintiff's Amended Complaint.*, (570 in 1:09-md-02017-LAK, 25 in 1:11-cv-03892-LAK) MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiff's Amended Complaint, dated January 6, 2012.*.

		Document filed by A.G. Edwards & Sons, Inc., ABN AMRO Holding N.V., ABN AMRO Inc., ANZ Securities, Inc., BBVA Securities Inc., BMO Capital Markets Corp., BNP Paribas S.A., BNY Capital Markets, Inc., BNY Mellon Capital Markets, LLC, Banc of America Securities LLC, Banca IMI, S.p.A., CIBC World Markets Corp., Caja de Ahorros y Monte de Piedad de Madrid, Calyon Securities (USA) Inc., Citigroup Global Markets Inc., Commerzbank Capital Markets Corp., Countrywide Securities Corp., DZ Financial Markets LLC, Daiwa Securities SMBC Europe Limited, Edward D. Jones & Co., L.P., Fidelity Capital Markets Services, Fortis Securities, LLC, HSBC Securities (USA) Inc., Hypo Capital Markets, Inc., Ing Financial Markets LLC, LaSalle Financial Services, inc., Loop Capital Markets, LLC, Mellon Financial Markets, LLC, Merrill Lynch, Pierce, Fenner & Smith, Inc., Mizuho Securities USA, Inc., Morgan Stanley & Co. Inc., Muriel Siebert & Co., Inc., National Australia Bank Limited, National Australia Capital Markets, LLC, Natixis Bleichroeder Inc., RBC Capital Markets Corp., RBS

		Greenwich Capital, Raymond James & Associates, Inc., SG Americas Securities LLC, Santander Investment Securities Inc., Scotia Capital (USA) Inc., Siebert Capital Markets, Sovereign Securities Corporation LLC, Standard Chartered Bank, Suntrust Capital Markets, Inc., UBS Securities LLC, Utendahl Capital Partners, L.P., Wachovia Capital Markets LLC, Wells Fargo Securities, LLC, Zions Direct, Inc., UBS Investment Bank, Wachovia Securities. (Attachments: # 1 Exhibits 1-19, # 2 Exhibits 20-28, # 3 Exhibits 29-34, # 4 Exhibits 35-39, # 5 Exhibits 40-41, # 6 Exhibits 42-44)Filed In Associated Cases: 1:09-md-02017-LAK et al.(Cooper, Roger) (Entered: 01/06/2012)
02/13/2012	705	MEMORANDUM OF LAW in Opposition re: (35 in 1:11-cv-01281-LAK, 623 in 1:09-md-02017-LAK) MOTION to Dismiss --*Motions to Dismiss and Joinders in Motions to Dismiss Certain Individual Actions.*, (596 in 1:09-md-02017-LAK) MOTION to Dismiss / *Notice of Motion by HVB Capital Markets Inc. to Dismiss Certain Individual Actions.*, (42 in 1:11-cv-01281-LAK) MOTION to Dismiss / *Notice of*

		Motion by HVB Capital Markets Inc. to Dismiss Certain Individual Actions; "This document was previously served and filed in 09-MD-2017 on 1/6/12 and is now being docketed in this action"., (28 in 1:11-cv-01281-LAK, 557 in 1:09-md-02017-LAK) MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiff's Second Amended Complaint, dated January 6, 2012.*, (40 in 1:11-cv-01281-LAK, 659 in 1:09-md-02017-LAK) MOTION to Dismiss - *Joinder to the Bank Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint. Plaintiff CalPERS's Opposition to All Defendants' Motions to Dismiss.* Document filed by The California Public Employees' Retirement System. Filed In Associated Cases: 1:09-md-02017-LAK, 1:11-cv-01281-LAK(Egler, Thomas) (Entered: 02/13/2012)
03/05/2012	771	REPLY MEMORANDUM OF LAW in Support / *Bank Defendants' Reply Memorandum of Law in Further Support of Their Motion to Dismiss Plaintiffs' Second Amended Complaint, dated March 5, 2012 re 557 , 558 and 705 in case no. 09MD2017.* Document filed by ABN AMRO Inc., ANZ Securities, Inc., BBVA Securities Inc., BMO Capital

		Markets Corp., BNP Paribas S.A., BNY Mellon Capital Markets, LLC, CIBC World Markets Corp., Caja de Ahorros y Monte de Piedad de Madrid, Citigroup Global Markets Inc., DZ Financial Markets LLC, Daiwa Securities SMBC Europe Limited, Fortis Securities, LLC, HSBC Securities (USA) Inc., Ing Financial Markets LLC, Loop Capital Markets, LLC, Mellon Financial Markets, LLC, Mizuho Securities USA, Inc., Muriel Siebert & Co., Inc., National Australia Capital Markets, LLC, Natixis Bleichroeder Inc., RBC Capital Markets Corp., RBS Greenwich Capital, SG Americas Securities LLC, Santander Investment Securities Inc., Scotia Capital (USA) Inc., Sovereign Securities Corporation LLC, Suntrust Capital Markets, Inc., Utendahl Capital Partners, L.P., Wachovia Capital Markets LLC, Wells Fargo Securities, LLC. Filed In Associated Cases: 1:09-md-02017-LAK, 1:11-cv-01281-LAK(Hou, Victor) (Entered: 03/05/2012)

04/26/2012	884	**DOCUMENT REFERRED TO JUDGE FOR APPROVAL** - NOTICE OF VOLUNTARY DISMISSAL Pursuant to Rule 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, the plaintiff(s) and or their counsel(s), hereby give notice that the above-captioned action is voluntarily dismissed, with prejudice against the defendant(s) Michael L. Ainslie, John F. Akers, Roger S. Berlind, Erin M. Callan, Thomas H. Cruikshank, Marsha Johnson Evans, Richard S. Fuld, Jr, Sir Christopher Gent, Roland A. Hernandez, Henry Kaufman, John D. Macomber, Christopher M. O'Meara. Document filed by The California Public Employees' Retirement System. Filed In Associated Cases: 1:09-md-02017-LAK, 1:11-cv-01281-LAK(Egler, Thomas) Modified on 4/27/2012 (dt). (Entered: 04/26/2012)
05/03/2012	900	NOTICE OF DISMISSAL WITH PREJUDICE AS TO THE LEHMAN BROTHERS HOLDINGS INC. DIRECTOR AND OFFICER DEFENDANTS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 41 (a)(1)(A)(i): Plaintiff The California Public Employees' Retirement System, by

		its undersigned attorneys, hereby provides notice that pursuant to the October 14, 2011 Settlement Agreement and Mutual Release, effective as of April 20, 2012, plaintiff dismisses with prejudice all claims and causes of action brought against the following defendants: Richard S. Fuld, Jr., Christopher M. O'Meara, Erin M. Callan, Michael L. Ainslie, John F. Akers, Roger S. Berlind, Thomas H. Cruikshank, Marsha Johnson Evans, Sir Christopher Gent, Roland A. Hernandez, Henry Kaufman and John D. Macomber (collectively, "Settling Defendants"), without costs to any party as against the other. This dismissal is only with respect to the Settling Defendants listed above. Other defendants named in this action are not dismissed. This notice of dismissal with prejudice is made pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) as Settling Defendants have not answered the complaint filed by plaintiff in this action. Reference is also made to the Settlement Agreement and Mutual Release dated October 14, 2011 between plaintiffs and Settling Defendants. (Signed by Judge Lewis A. Kaplan on 5/3/2012)

		Filed In Associated Cases: 1:09-md-02017-LAK, 1:11-cv-01281-LAK(lmb) (Entered: 05/03/2012)
12/18/2012	1104	PRETRIAL ORDER NO. 51 (Calpers - Motion to Dismiss): granting (557) Motion to Dismiss in case 1:09-md-02017-LAK-GWG; granting; Motion to Dismiss in case 1:11-cv-01281-LAK. As further set forth in this Order, the motions of the Bank Defendants, joined in by Beal, Cabrera, and Williams (MDL Dkt. 557) and E&Y (MDL Dkt. 623) to dismiss the complaint are granted to the extent that they rest on alleged misstatements and omissions as to which this Court previously held the third amended complaint in the class action insufficient in Lehman Equity/Debt, and denied in all other respects. The denial is without prejudice to renewal after the disposition of IFM, save that E&Y's motion with respect to the claim based on the May 2008 offering is rejected with prejudice. This order terminates MDL Dkt. 557. It does not terminate MDL Dkt. 596 or MDL Dkt. 623, as they remain pending in certain respects to other cases. The parties shall submit, on or before January 3, 2013, an agreed form of order implementing the decision.

		(Signed by Judge Lewis A. Kaplan on 12/18/2012) Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(ja) (Entered: 12/18/2012)
07/09/2013	1253	PRETRIAL ORDER NO. 70 (Calpers-Renewed Motion to Dismiss): Plaintiff California Public Employees' Retirement System ("Calpers") shall file a brief not to exceed 10 pages on or before July 19, 2013 showing cause why the claims asserted in its complaint in connection with the May 2008 offering of Lehman 7.5% notes should not be dismissed as time-barred following the Second Circuit's decision in In re Indymac Mortgage-Backed Sec. Litig., No. 11-2998-cv(L). Defendants may file a reply memorandum not to exceed 5 pages no later than July 26, 2013. (Signed by Judge Lewis A. Kaplan on 7/9/2013) Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(mro) (Entered: 07/11/2013)
07/10/2013	1254	PRETRIAL ORDER NO. 70 (Corrected) (Calpers-Renewed Motion to Dismiss): Plaintiff California Public Employees' Retirement System ("Calpers") shall file a brief not to exceed 10

		pages on or before July 19, 2013 showing cause why all claims asserted in its complaint other than those made in connection with the May 2008 offering of Lehman 7.5% notes should not be dismissed as time-barred following the Second Circuit's decision in In re Indymac Mortgage-Backed Sec. Litig., No. 11-2998-cv(L). Defendants may file a reply memorandum not to exceed 5 pages no later than July 26, 2013. (Signed/Corrected by Judge Lewis A. Kaplan on 7/10/2013) Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(mro) Modified on 7/11/2013 (mro). (Entered: 07/11/2013)
07/19/2013	1261	RESPONSE re: (1254 in 1:09-md-02017-LAK-GWG) Pretrial Order,,, *Plaintiff's Response to Pretrial Order No. 70.* Document filed by The California Public Employees' Retirement System. Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(Egler, Thomas) (Entered: 07/19/2013)
07/25/2013	1265	REPLY MEMORANDUM OF LAW re: (1261 in 1:09-md-02017-LAK-GWG) Response, */Defendants' Reply Memorandum of Law in Response to Pretrial Order Number*

		70 and in Support of their Renewed Motion to Dismiss Plaintiff's Time-Barred Securities Act Claims, dated July 25, 2013. Document filed by Bank Defendants. (Attachments: # 1 Exhibit A)Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(Lowenthal, Mitchell) (Entered: 07/25/2013)
08/09/2013	1279	PRETRIAL ORDER NO. 73 (Calpers-Response to Pretrial Order No. 70): The Bank Defendants' motion to dismiss the complaint (MDL Dkt. 557 and 11 Civ. 1281 Dkt. 28) is reinstated and granted as to all Securities Act claims for all securities except those issued in the May 2008 offering substantially for the reasons stated in movants' response to Pretrial Order No. 70 (MDL Dkt. 1265 and 11 Civ. 1281 Dkt 112). Motions terminated: (28 in 1:11-cv-01281-LAK, 557 in 1:09-md-02017-LAK-GWG) MOTION to Dismiss / *Notice of Motion by Bank Defendants to Dismiss Plaintiff's Second Amended Complaint, dated January 6, 2012.* filed by DZ Financial Markets LLC, BMO Capital Markets Corp., Caja de Ahorros y Monte de Piedad de Madrid, RBC Capital Markets Corp., RBS Greenwich Capital, Sovereign Securities Corporation

		LLC, BNP Paribas S.A., National Australia Capital Markets, LLC, CIBC World Markets Corp., Scotia Capital (USA) Inc., Daiwa Securities SMBC Europe Limited, Ing Financial Markets LLC, BNY Capital Markets, Inc., HSBC Securities (USA) Inc., Mellon Financial Markets, LLC, Citigroup Global Markets Inc., Wells Fargo Securities, LLC, Fortis Securities, LLC, ABN AMRO Inc., Suntrust Capital Markets, Inc., BBVA Securities Inc., Natixis Bleichroeder Inc., ANZ Securities, Inc., Loop Capital Markets, LLC, Wachovia Capital Markets LLC, Mizuho Securities USA, Inc., Santander Investment Securities Inc., Muriel Siebert & Co., Inc., SG Americas Securities LLC, Utendahl Capital Partners, L.P. (Signed by Judge Lewis A. Kaplan on 8/9/2013) Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(mro) (Entered: 08/12/2013)
09/03/2013	1288	STIPULATION OF VOLUNTARY PARTIAL DISMISSAL AND ORDER: The Court, having considered the parties' Stipulation of Voluntary Dismissal, hereby DISMISSES, with prejudice, Cabrera Capital Markets, LLC as a defendant in claims brought by

		plaintiff The California Public Employees' Retirement System, pursuant to Fed. R. Civ. P. 41(a)(2). Each party shall bear its own fees and expenses. IT IS SO ORDERED. (Signed by Judge Lewis A. Kaplan on 9/03/2013) Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(ama) (Entered: 09/03/2013)
01/16/2014	1369	LETTER addressed to Judge Lewis A. Kaplan from Thomas E. Egler dated January 16, 2014 re: settlement with defendant Loop Capital Markets, LLC. Document filed by The California Public Employees' Retirement System.Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(Egler, Thomas) (Entered: 01/16/2014)
02/06/2014	1371	STIPULATION OF VOLUNTARY DISMISSAL AND ORDER: The Court, having considered the parties' Stipulation of Voluntary Dismissal, hereby DISMISSES, with prejudice, Loop Capital Markets, LLC as a defendant in claims brought by plaintiff The California Public Employees' Retirement System, pursuant to Fed. R. Civ. P. 41(a)(2). Each party shall bear its own fees and

		expenses., Loop Capital Markets, LLC, Loop Capital Markets, LLC, Loop Capital Markets, LLC and Loop Capital Markets, LLC terminated. (Signed by Judge Lewis A. Kaplan on 2/6/2014) Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(lmb) (Entered: 02/06/2014)
06/23/2014	1429	STIPULATION OF VOLUNTARY DISMISSAL AND ORDER: The Court, having considered the parties' Stipulation of Voluntary Dismissal, hereby DISMISSES, with prejudice, Ernst & Young LLP as a Defendant in claims brought by Plaintiff The California Public Employees' Retirement System, pursuant to Fed. R. Civ. P. 41 (a)(2). Each party shall bear its own fees and expenses., Ernst & Young LLP terminated. (Signed by Judge Lewis A. Kaplan on 6/23/2014) Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(lmb) (Entered: 06/23/2014)
05/12/2015	1650	STIPULATION OF VOLUNTARY DISMISSAL AND ORDER: NOW THEREFORE, pursuant to Federal Rule of Civil Procedure 41 (a)(2), the parties hereby stipulate to dismiss Defendant Williams from the above-entitled action with

		prejudice. No other party to this action, other than Williams, is being dismissed by this stipulation, and each party is to bear its own costs. The Clerk shall close 11-cv-1281(LAK). The Court, having considered the parties' Stipulation of Voluntary Dismissal, hereby DISMISSES, with prejudice, The Williams Capital Group, L.P. as a Defendant in claims brought by Plaintiff The California Public Employees' Retirement System, pursuant to Fed. R. Civ. P. 41 (a)(2). Each party shall bear its own fees and expenses. The Clerk shall close 11-cv-1281(LAK). (Signed by Judge Lewis A. Kaplan on 5/12/2015) Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(lmb) (Entered: 05/12/2015)
06/10/2015	1661	NOTICE OF APPEAL from (1279 in 1:09-md-02017-LAK-GWG, 1279 in 1:09-md-02017-LAK-GWG) Pretrial Order, Terminate Motions,,,,,,,,,,,,. Document filed by The California Public Employees' Retirement System. Filing fee $ 505.00, receipt number 0208-11019641. Form C and Form D are due within 14 days to the Court of Appeals, Second Circuit. Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(Egler, Thomas)

		(Entered: 06/10/2015)
07/29/2016	1699	MANDATE of USCA (Certified Copy) as to (139 in 1:11-cv-01281-LAK, 1661 in 1:09-md-02017-LAK-GWG) Notice of Appeal, filed by The California Public Employees' Retirement System. USCA Case Number 15-1879-cv. Ordered, Adjudged and Decreed that the orders of the District Court are AFFIRMED. Catherine O'Hagan Wolfe, Clerk USCA for the Second Circuit. Issued As Mandate: 07/29/2016. Filed In Associated Cases: 1:09-md-02017-LAK-GWG, 1:11-cv-01281-LAK(nd) (Entered: 07/29/2016)

EXCERPTS FROM THIRD AMENDED CLASS ACTION COMPLAINT FOR VIOLATIONS OF THE SECURITIES LAWS

Plaintiffs bring claims arising under the Securities Act individually and on behalf of all persons and entities, except Defendants and their affiliates, who purchased or otherwise acquired the Lehman Brothers Holdings Inc. ("Lehman" or the "Company") securities identified in Appendices A and B attached hereto and who were damaged thereby.

* * *

17. Plaintiffs bring this Action as a class action pursuant to Federal Rule of Civil Procedure 23(a) and (b)(3) on behalf of themselves and all other persons and entities, except Defendants and their affiliates, who (1) purchased or acquired Lehman securities identified in Appendix A pursuant or traceable to the Shelf Registration Statement, (2) purchased or acquired any Lehman Structured Notes identified in Appendix B pursuant or traceable to the Shelf Registration Statement, and (3) purchased or acquired Lehman common stock, call options, and/or who sold Lehman put options between June 12, 2007 and September 15, 2008. Excluded from the Class are (i) Defendants, (ii) the officers and directors of each Defendant, (iii) any entity in which Defendants have or had a controlling interest, and (iv) members of Defendants' immediate families and the legal representatives, heirs, successors or assigns of any such excluded party.

* * *

Violations of Section 11 of The Securities Act
Against the Securities Act Defendants

120. Plaintiffs repeat and reallege each and every allegation contained above as if set forth fully herein and further allege as follows. This Count is based on negligence and strict liability and does not sound in fraud. Any allegations of fraud or fraudulent conduct and/or motive are specifically excluded from this Count.

121. This Count is asserted against Defendants Fuld, O'Meara, Callan, the Director Defendants, E&Y, and the Underwriter Defendants (together, the "Securities Act Defendants") for violations of Section 11 of the Securities Act, 15 U.S.C. § 77k, on behalf of Plaintiffs and all members of the Class who purchased or otherwise acquired the Lehman securities set forth in Appendices A and B pursuant or traceable to the materially false and misleading Shelf Registration Statement and Offering Materials incorporated by reference in the Shelf Registration Statement.

122. The Shelf Registration Statement, including the Offering Materials and Structured Note Offering Materials incorporated by reference therein at the time of each Offering, contained untrue statements of material fact and omitted to state other material facts necessary to make the statements made therein not misleading. The specific documents containing such untrue statements and omissions that were incorporated by reference in the Shelf Registration Statement with regard to each Offering and Structured Note Offering are identified in Appendices A and B.

123. Defendants Fuld, O'Meara and Callan were executive officers and representatives of the Company responsible for the contents and dissemination of the Shelf Registration Statement. Each of the Director Defendants was a director of Lehman at the time the Shelf Registration Statement became effective as to each Offering and Structured Note Offering. Defendants Fuld, O'Meara and Callan signed the Shelf Registration Statement, or documents incorporated by reference, in their capacities as officers or directors of Lehman, and caused and participated in the issuance of the Shelf Registration Statement. By reasons of the conduct alleged herein, each of these Defendants violated Section 11 of the Securities Act.

124. E&Y was the auditor for Lehman. E&Y's audit report, included in Lehman's 2007 10-K and incorporated by reference into the Offering Materials and the Structured Note Offering Materials, falsely certified that Lehman's financial statements were prepared in accordance with GAAP and falsely represented that it conducted its audits or reviews in accordance with GAAS. In addition, E&Y's certifications of Lehman's quarterly financials, included within the Offering Materials and Structured Note Offering Materials, falsely stated that no material modifications of Lehman's financial statements were required for those statements to comply with GAAP, and that E&Y complied with GAAS in conducting its quarterly reviews.

125. The Underwriter Defendants were underwriters of certain of the Offerings set forth in Appendices A and B. The Underwriter Defendants acted negligently and are liable to members of the Class who purchased or otherwise acquired Lehman

securities sold pursuant or traceable to the Offering Materials and Lehman Structured Note Offering Materials for the respective Offerings in which each Underwriter Defendant participated.

126. The Defendants named in this count owed to the purchasers of the securities identified on Appendices A and B the duty to make a reasonable and diligent investigation of the statements contained in the Shelf Registration Statement, and any incorporated documents, at the time each such Offering became effective to ensure that said statements were true and that there were no omissions of material fact which rendered the statements therein materially untrue or misleading. The Securities Act Defendants did not make a reasonable investigation or possess reasonable grounds to believe that the statements contained in the Shelf Registration Statement were true, were without omissions of any material facts, and were not misleading. Accordingly, the Securities Act Defendants acted negligently and are therefore liable to Plaintiffs and members of the Class who purchased or otherwise acquired the securities sold pursuant or traceable to the materially false and misleading Offering Materials and Structured Note Offering Materials for the Offerings set forth on Appendices A and B.

127. Plaintiffs and all members of the Class who purchased or otherwise acquired Lehman securities sold in or traceable to these Offerings did not know of the negligent conduct alleged herein or of the facts concerning the untrue statements of material fact and omissions alleged herein, and by the reasonable exercise of care could not have reasonably discovered such facts or conduct.

128. None of the untrue statements or omissions alleged herein was a forward-looking statement but, rather, each concerned existing facts. Moreover, the Defendants named in this Count did not properly identify any of these untrue statements as forward-looking statements and did not disclose information that undermined the validity of those statements.

129. Less than one year elapsed from the time that Plaintiffs discovered or reasonably could have discovered the facts upon which this Count is based from the time that the initial complaint was filed asserting claims arising out of the Shelf Registration Statement. Less than three years elapsed from the time that the securities upon which this Count is brought were offered in good faith to the public to the time that the initial complaint was filed.

130. Plaintiffs and all members of the Class have sustained damages. The value of the securities sold pursuant or traceable to the Offerings set forth in Appendices A and B has declined substantially due to the Securities Act Defendants' violations of Section 11 of the Securities Act.

131. By reason of the foregoing, the Securities Act Defendants are liable for violations of Section 11 of the Securities Act to Plaintiffs and all members of the Class.

* * *

APPENDIX A

COMMON STOCK/PREFERRED STOCK OFFERINGS

ISSUE DATE	SECURITY (CUSIP)	AMOUNT	PRICE	VOLUME	UNDERWRITER DEFENDANTS[1]	FALSE AND MISLEADING DOCUMENTS INCORPORATED INTO OFFERING MATERIALS	PLAINTIFFS
June 9, 2008	Common Stock (524908100)	143 million shares of common stock	$28 per share	$4,004,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K March 18, 2008 Form 8-K April 8, 2008 Form 10-Q June 9, 2008 Form 8-K	Brockton Contributory Retirement System; The City of Edinburgh Council on behalf of The Lothian Pension Fund; Government of Guam Retirement Fund; Inter-Local Pension Fund of the Graphic Communications Conference of the International Brotherhood of Teamsters; Northern Ireland Local Government Officers' Superannuantion Committee; Operating Engineers Local 3 Trust Fund; Police and Fire Retirement System of the City of Detroit; Alameda County Employees' Retirement Association

[1] "Underwriter Defendants" refers to: A.G. Edwards & Sons, Inc. (Acquired by Wachovia Securities on October 1, 2007 which was acquired by Wells Fargo on December 31, 2008) ("A.G. Edwards"); ABN Amro Holding N.V. (Acquired by RFS Holdings B.V.) ("ABN Amro"); ANZ Securities, Inc. ("ANZ"); Banc of America Securities LLC ("BOA"); BBVA Securities Inc. ("BBVA"); BNP Paribas S.A. ("BNP Paribas"); BNY Mellon Capital Markets, LLC ("BNY"); Cabrera Capital Markets, LLC ("Cabrera"); Caja de Ahorros y Monte de Piedad de Madrid ("Caja Madrid"); Calyon Securities (USA) Inc. ("Caylon"); Charles Schwab & Co., Inc. ("Charles Schwab"); CIBC World Markets Corp. ("CIBC"); Citigroup Global Markets Inc. ("CGMI"); Commerzbank Capital Markets Corp. ("Commerzbank"); Daiwa Capital Markets Europe Limited (f/k/a Daiwa Securities SMBC Europe Limited) ("Daiwa"); DnB NOR Markets ("DnB NOR"); DZ Financial Markets LLC ("DZ Financial"); Edward D. Jones & Co., L.P. ("E. D. Jones"); Fidelity Capital Markets Services ("Fidelity Capital

(footnote continued on next page)

APPENDIX A

ISSUE DATE	SECURITY (CUSIP)	AMOUNT	PRICE	VOLUME	UNDERWRITER DEFENDANTS[1]	FALSE AND MISLEADING DOCUMENTS INCORPORATED INTO OFFERING MATERIALS	PLAINTIFFS
February 5, 2008 (the "Series J Offering")	7.95% Non-Cumulative Perpetual Preferred Stock, Series J (the "Series J Shares") (52520W317)	75.9 million depositary shares representing 759,000 Series J Shares	$25 per Series J depositary share, or $2,500 per Series J Share	$1,897,500,000	BOA (8,039,988 shares)[2] CGMI (8,112,456 shares) Merrill Lynch (8,040,120 shares) Morgan Stanley (8,039,988 shares) RBC Capital (990,000 shares) SunTrust (990,000 shares) UBS Securities (8,039,988 shares) Wachovia Capital Markets (8,039,988 shares) Wells Fargo (990,000 shares) (continued)	June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K	American European Insurance Company; Belmont Holdings Corp.; Brockton Contributory Retirement System; Marsha Kosseff; Alameda County Employees' Retirement Association

Markets"); Fortis Securities LLC ("Fortis"); Harris Nesbitt Corp. ("Harris Nesbitt"); HSBC Securities (USA) Inc. ("HSBC"); HVB Capital Markets, Inc. ("HVB"); Incapital LLC ("Incapital"); ING Financial Markets LLC ("ING"); Loop Capital Markets, LLC ("Loop Capital"); M.R. Beal & Company ("MR Beal"); Mellon Financial Markets. LLC ("Mellon"); Merrill Lynch, Pierce, Fenner & Smith Inc. ("Merrill Lynch"); Mizuho Securities USA, Inc. ("Mizuho"); Morgan Stanley & Co. Inc. ("Morgan Stanley"); Muriel Siebert & Co., Inc., ("Muriel Siebert"); nabCapital Securities, LLC ("nabCapital"); National Australia Bank Ltd. (NAB); Natixis Bleichroeder Inc. ("Natixis"); Raymond James & Associates, Inc. ("Raymond James"); RBC Capital Markets Corporation (f/k/a RBC Dain Rauscher Inc.) ("RBC Capital"); RBS Greenwich Capital ("RBS Greenwich"); Santander Investment Securities Inc. ("Santander"); Scotia Capital (USA) Inc. ("Scotia"); SG Americas Securities LLC ("SG Americas"); Siebert Capital Markets ("Siebert"); Société Générale Corporate and Investment Banking ("Société Générale "); Sovereign Securities Corporation, LLC ("Sovereign"); SunTrust Robinson Humphrey, Inc. ("SunTrust"); TD Securities (USA) LLC ("TD Securities"); UBS Investment Bank ("UBS Investment"); UBS Securities LLC ("UBS Securities"); Utendahl Capital Partners, L.P. (Acquired by Williams Capital Group, L.P. on or about Jan. 10, 2010) ("Utendahl"); Wachovia Capital Finance (Acquired by Wells Fargo Securities, LLC on Dec. 31, 2008) ("Wachovia Capital"); Wachovia Securities (Acquired by Wells Fargo Securities on Dec. 31, 2008) ("Wachovia Securities"); Wells Fargo Securities, LLC ("Wells Fargo"); Williams Capital Group, L.P. ("Williams Capital"). Where Lehman served as an underwriter, it does not appear on this table.

[2] The shares sold by each Underwriter Defendant in the Series J Offering reflect the 66 million depositary shares sold in the initial offering. On information and belief, each underwriter sold an equivalent percentage of the additional shares sold pursuant to the over-allotment.

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ISSUE DATE	SECURITY (CUSIP)	AMOUNT	PRICE	VOLUME	UNDERWRITER DEFENDANTS[1]	FALSE AND MISLEADING DOCUMENTS INCORPORATED INTO OFFERING MATERIALS	PLAINTIFFS
					ABN Amro (274,956 shares) BNY (274,956 shares) Charles Schwab (274,956 shares) Fidelity Capital Markets (274,956 shares) HSBC (274,956 shares)		
April 4, 2008 (the "Series P Offering")	7.25% Non-Cumulative Perpetual Convertible Preferred Stock, Series P (the "Series P Shares") (525233453)	4 million Series P Shares	$1,000 per Series P Share	$4,000,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K March 18, 2008 Form 8-K	Brockton Contributory Retirement System; Police and Fire Retirement System of the City of Detroit
June 12, 2008 (the "Series Q Offering")	8.75% Non-Cumulative Mandatory Convertible Preferred Stock, Series Q (the "Series Q Shares") (52520W218)	2 million Series Q Shares	$1,000 per Series Q Share	$2,000,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K March 18, 2008 Form 8-K April 8, 2008 Form 10-Q June 9, 2008 Form 8-K	Police and Fire Retirement System of the City of Detroit

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NOTES/BOND OFFERINGS[3]

ISSUE DATE	SECURITY (CUSIP)	VOLUME	UNDERWRITER DEFENDANTS (EXTENT OF PARTICIPATION)	FALSE AND MISLEADING DOCUMENTS INCORPORATED INTO OFFERING MATERIALS	PLAINTIFFS
June 15, 2007	Medium-Term Notes, Series I (52517P2S9)	$35,000,000		June 12, 2007 Form 8-K	Stacey Oyler
July 19, 2007	6% Notes Due 2012 (52517P4C2)	$1,500,000,000	Calyon ($30 million) ING ($30 million) Mellon ($30 million) Scotia ($30 million) Williams Capital ($30 million)	June 12, 2007 Form 8-K July 10, 2007 Form 10-Q	Montgomery County Retirement Board
July 19, 2007	6.50% Subordinated Notes due 2017 (524908R36)	$2,000,000,000	Caja Madrid ($30 million) HSBC ($30 million) HVB ($30 million) National ($30 million) Santander ($30 million) Société Générale ($30 million)	June 12, 2007 Form 8-K July 10, 2007 Form 10-Q	Brockton Contributory Retirement System; Police and Fire Retirement System of the City of Detroit
July 19, 2007	6.875% Subordinated Notes Due 2037 (524908R44)	$1,500,000,000	BBVA ($15 million) BNY ($15 million) CGMI ($15 million) RBS Greenwich ($15 million) RBC Capital ($15 million) SunTrust ($15 million)	June 12, 2007 Form 8-K July 10, 2007 Form 10-Q	Brockton Contributory Retirement System; Police and Fire Retirement System of the City of Detroit; Alameda County Employees' Retirement Association
July 31, 2007	100% Principal Protected Notes Linked to a Basket Consisting of a Foreign Equity Component and a Currency Component (524908K25)	$7,775,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q	Fred Telling

[3] The "issue date" identified for the structured notes herein is the settlement date. The pricing date for the structured notes is typically a few days before the settlement date.

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ISSUE DATE	SECURITY (CUSIP)	VOLUME	UNDERWRITER DEFENDANTS (EXTENT OF PARTICIPATION)	FALSE AND MISLEADING DOCUMENTS INCORPORATED INTO OFFERING MATERIALS	PLAINTIFFS
August 1, 2007	Partial Principal Protection Notes Linked to a Basket of Global Indices (524908J92)	$1,700,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q	Stuart Bregman
August 22, 2007	Annual Review Notes with Contingent Principal Protection Linked to an Index (52517P4Y4)	$2,500,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q	Irwin and Phyllis Ingwer
August 29, 2007	Medium-Term Notes, Series I (52517P4T5)	$1,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q	Carla LaGrassa
September 26, 2007	6.2% Notes Due 2014 (52517P5X5)	$2,250,000,000	ANZ ($22.5 million) BBVA ($22.5 million) Cabrera ($22.5 million) CGMI ($22.5 million) Daiwa ($22.5 million) DZ Financial ($22.5 million) Harris Nesbitt ($22.5 million) Mellon ($22.5 million) Mizuho ($22.5 million) Scotia ($22.5 million) Sovereign ($22.5 million) SunTrust ($22.5 million) Utendahl ($22.5 million) Wells Fargo ($22.5 million)	June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K	Brockton Contributory Retirement System

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ISSUE DATE	SECURITY (CUSIP)	VOLUME	UNDERWRITER DEFENDANTS (EXTENT OF PARTICIPATION)	FALSE AND MISLEADING DOCUMENTS INCORPORATED INTO OFFERING MATERIALS	PLAINTIFFS
September 26, 2007	7% Notes Due 2027 (52517P5Y3)	$1,000,000,000	ANZ ($10 million) BBVA ($10 million) Cabrera ($10 million) CGMI ($10 million) Daiwa ($10 million) DZ Financial ($10 million) Harris Nesbitt ($10 million) Mellon ($10 million) Mizuho ($10 million) Scotia ($10 million) Sovereign ($10 million) SunTrust ($10 million) Utendahl ($10 million) Wells Fargo ($10 million)	June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K	Inter-Local Pension Fund of the Graphic Communications Conference of the International Brotherhood of Teamsters; Teamsters Allied Benefit Funds
December 5, 2007	Medium-Term Notes, Series I (5252M0AU1)	$8,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q	Francisco Perez
December 7, 2007	Medium-Term Notes, Series I (5252M0AW7)	$3,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q	Francisco Perez

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ISSUE DATE	SECURITY (CUSIP)	VOLUME	UNDERWRITER DEFENDANTS (EXTENT OF PARTICIPATION)	FALSE AND MISLEADING DOCUMENTS INCORPORATED INTO OFFERING MATERIALS	PLAINTIFFS
December 21, 2007	6.75% Subordinated Notes Due 2017 (5249087M6)	$1,500,000,000	ABN Amro ($15 million) ANZ ($15 million) BBVA ($15 million) BNY ($15 million) CGMI ($15 million) CIBC ($15 million) HSBC ($15 million) HVB ($15 million) Mizuho ($15 million) Santander ($15 million) Scotia ($15 million) Siebert ($15 million) SunTrust ($15 million) Wachovia Securities ($15 million) Wells Fargo($15 million)	June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K	Brockton Contributory Retirement System; Inter-Local Pension Fund of the Graphic Communications Conference of the International Brotherhood of Teamsters
December 28, 2007	Medium-Term Notes, Series I (5252M0AY3)	$32,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K	Island Medical Group PC Retirement Trust f/b/o Irwin Ingwer; Stuart Bregman; Irwin and Phyllis Ingwer; Robert Feinerman
January 22, 2008	5.625% Notes Due 2013 (5252M0BZ9)	$4,000,000,000	BBVA ($40 million) BNP Paribas ($40 million) CGMI ($40 million) Commerzbank ($40 million) Daiwa ($40 million) Fortis ($40 million) ING ($40 million) Mellon ($40 million) MR Beal ($40 million) Natixis ($40 million) SG Americas ($40 million) SunTrust ($40 million) Wells Fargo ($40 million)	June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K	Brockton Contributory Retirement System; Police and Fire Retirement System of the City of Detroit

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ISSUE DATE	SECURITY (CUSIP)	VOLUME	UNDERWRITER DEFENDANTS (EXTENT OF PARTICIPATION)	FALSE AND MISLEADING DOCUMENTS INCORPORATED INTO OFFERING MATERIALS	PLAINTIFFS
January 30, 2008	Medium-Term Notes, Series I (5252M0BX4)	$28,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K	Irwin and Phyllis Ingwer; Robert Feinerman
February 5, 2008	Lehman Notes, Series D (52519FFE6)	$43,895,000	A.G. Edwards BOA Charles Schwab CGMI E. D. Jones Fidelity Capital Incapital Morgan Stanley Muriel Siebert Raymond James RBC Capital UBS Investment Wachovia Securities	June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K	John Buzanowski
February 14, 2008	Medium-Term Notes, Series I Principal Protected Notes Linked to MarQCuS Portfolio A (USD) Index (5252M0DK0)	$14,600,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K	Irwin and Phyllis Ingwer
February 20, 2008	Buffered Return Enhanced Notes Linked to the Financial Select Sector SPDR Fund (5252M0DH7)	$2,325,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K	Fred Telling; Stuart Bregman; Irwin and Phyllis Ingwer; Robert Feinerman

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ISSUE DATE	SECURITY (CUSIP)	VOLUME	UNDERWRITER DEFENDANTS (EXTENT OF PARTICIPATION)	FALSE AND MISLEADING DOCUMENTS INCORPORATED INTO OFFERING MATERIALS	PLAINTIFFS
February 27, 2008	Medium-Term Notes, Series I (5252M0CQ8)	$15,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K	Irwin and Phyllis Ingwer
March 13, 2008	Medium-Term Notes, Series I (5252M0EH6)	$23,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K	Robert Feinerman
April 21, 2008	Medium-Term Notes, Series I (5252M0EY9)	$13,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K March 18, 2008 Form 8-K April 8, 2008 Form 10-Q	Francisco Perez
April 21, 2008	Medium-Term Notes, Series I (5252M0FA0)	$20,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K March 18, 2008 Form 8-K April 8, 2008 Form 10-Q	Steven Ratnow

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ISSUE DATE	SECURITY (CUSIP)	VOLUME	UNDERWRITER DEFENDANTS (EXTENT OF PARTICIPATION)	FALSE AND MISLEADING DOCUMENTS INCORPORATED INTO OFFERING MATERIALS	PLAINTIFFS
April 24, 2008	6.875% Notes Due 2018 (5252M0FD4)	$2,500,000,000	BOA ($25 million) BNY ($25 million) CGMI ($25 million) DnB NOR ($25 million) HSBC ($25 million) nabCapital ($25 million) Scotia ($25 million) Soveriegn ($25 million) SunTrust ($25 million) TD Securities ($25 million) Wells Fargo ($25 million) Williams Capital ($25 million)	June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K March 18, 2008 Form 8-K April 8, 2008 Form 10-Q	Inter-Local Pension Fund of the Graphic Communications Conference of the International Brotherhood of Teamsters; Government of Guam Retirement Fund
April 29, 2008	Lehman Notes, Series D (52519FFM8)	$7,876,000	A.G. Edwards BOA Charles Schwab CGMI E. D. Jones Fidelity Capital Incapital Morgan Stanley Muriel Siebert Raymond James RBC Capital UBS Investment Wachovia Securities	June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K March 18, 2008 Form 8-K April 8, 2008 Form 10-Q	Ann Lee
May 7, 2008	Buffered Semi-Annual Review Notes Linked to the Financial Select Sector SPDR® Fund (5252M0FR3)	$2,550,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K March 18, 2008 Form 8-K April 8, 2008 Form 10-Q	Sydney Ratnow

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Issue Date	Security (CUSIP)	Volume	Underwriter Defendants (Extent of Participation)	False and Misleading Documents Incorporated into Offering Materials	Plaintiffs
May 9, 2008	7.50% Subordinated Notes Due 2038 (5249087N4)	$2,000,000,000	Cabrera ($20 million) Loop Capital ($20 million) Williams Capital ($20 million)	June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K March 18, 2008 Form 8-K April 8, 2008 Form 10-Q	Inter-Local Pension Fund of the Graphic Communications Conference of the International Brotherhood of Teamsters
May 19, 2008	Medium-Term Notes, Series I (5252M0FH5)	$3,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K March 18, 2008 Form 8-K April 8, 2008 Form 10-Q	Island Medical Group PC Retirement Trust f/b/o Irwin Ingwer
June 13, 2008	Annual Review Notes with Contingent Principal Protection Linked to the S&P 500® Index (5252M0GM3)	$4,488,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K March 18, 2008 Form 8-K April 8, 2008 Form 10-Q June 9, 2008 Form 8-K	Island Medical Group PC Retirement Trust f/b/o Irwin Ingwer

APPENDIX A

ISSUE DATE	SECURITY (CUSIP)	VOLUME	UNDERWRITER DEFENDANTS (EXTENT OF PARTICIPATION)	FALSE AND MISLEADING DOCUMENTS INCORPORATED INTO OFFERING MATERIALS	PLAINTIFFS
June 26, 2008	Medium-Term Notes, Series I (5252M0GN1)	$25,000,000		June 12, 2007 Form 8-K July 10, 2007 Form 10-Q September 18, 2007 Form 8-K October 10, 2007 Form 10-Q December 13, 2007 Form 8-K January 29, 2008 Form 10-K March 18, 2008 Form 8-K April 8, 2008 Form 10-Q June 9, 2008 Form 8-K June 16, 2008 Form 8-K	Michael Karfunkel

EXCERPTS FROM CALPERS'S COMPLAINT FOR VIOLATION OF THE FEDERAL SECURITIES LAWS

PARTIES

18. Plaintiff CalPERS is the largest public employee retirement system in the United States, with assets of approximately $218 billion and nearly 1.6 million beneficiaries, including active and retired public employees. CalPERS purchased Lehman securities as described below and was damaged thereby. CalPERS purchased the following Lehman common stock and notes (the "Lehman Notes") during the Relevant Period:

Lehman Common Stock	3,893,586 shares
Lehman Brothers Holdings Inc. 7.50% Subordinated Notes Due 2038	$341,075,000
Lehman Brothers Holdings Inc. 6.875% Subordinated Notes Due 2037	$176,000,000
Lehman Brothers Holdings Inc. 6.75% Subordinated Notes Due 2017	$775,000
Lehman Brothers Holdings Inc. 6.50% Subordinated Notes Due 2017	$101,140,000
Lehman Brothers Holdings Inc. Medium Term 7% Notes Due September 27, 2027	$81,000,000
Lehman Brothers Holdings Inc. Medium Term 5.625% Notes Due January 24, 2013	$3,300,000

Relevant Non-Parties

19. Lehman was a corporation organized under the laws of the state of Delaware with its headquarters located at 1271 Avenue of Americas, New York, New York. Lehman operated as a global investment bank and purported to be "an innovator in global finance" with a "leadership position in equity and fixed income sales, trading and research." Lehman's common stock traded on the New York Stock Exchange. On September 15, 2008, Lehman filed a voluntary petition for bankruptcy protection under Chapter 11 of the Bankruptcy Code. For this reason, Lehman is not named as a defendant in this action.

20. LBI, based in New York, New York, was a wholly-owned subsidiary of Lehman and operated as a registered broker-dealer under the 1934 Act. LBJ's services included brokerage, mergers and acquisitions and restructuring advice, debt and equity underwriting, market making, debt and equity research, and real estate and private equity investments. On September 17, 2008, the Securities Investor Protection Corporation moved for an order commencing liquidation and protection under the automatic stay provisions of the Bankruptcy Code. The Bankruptcy Court granted the request on September 19, 2008. For this reason, LBI is not named as a defendant in this action.

Defendants

* * *

35. Defendant Cabrera Capital Markets, LLC ("Cabrera") is an investment bank and full-service institutional brokerage firm which provides services worldwide to a substantial and diversified client base

that includes financial institutions, unions, governments, corporations, hedge funds, and foundations/endowments. Cabrera is based in Chicago, Illinois. Cabrera was an underwriter of the 7.50% Notes offering and the 7.0% Notes offering.

36. The Williams Capital Group, L.P. ("Williams Capital") is an investment bank providing institutional investors and corporate, governmental, and municipal clients with products and services in equities, fixed income, corporate finance, investment management and private equity. Williams Capital is based in New York, New York. Williams Capital was an underwriter of the 7.50% Notes offering.

37. Defendant Loop Capital Markets, LLC ("Loop") is a boutique investment banking and brokerage firm. The firm offers corporate and public finance, financial advisory, municipal finance, equity research, and securities sales and trading services. Loop is based in Chicago, Illinois. Loop was an underwriter of the 7.50% Notes offering.

38. Defendant BBV A Securities Inc. ("BBVA") is a security broker/dealer which provides securities brokerage and research services. BBV A is based in New York, New York. BBVA was an underwriter of the 6.875% Notes offering, the 6.75% Notes offering, the 7% Notes offering and the 5.625% Notes offering.

39. Defendant BNY Capital Markets, Inc. ("BNY") is a boutique investment banking firm that offers corporate finance advisory services and fixed-income securities. BNY is a subsidiary of The Bank of New York Mellon Corporation. BNY was an underwriter of the 6.875% Notes offering and the 6.75% Notes offering.

40. Defendant Citigroup Global Markets Inc. ("CGMI") is a large integrated financial services institution that through subsidiaries and divisions provides commercial and investment banking services, commercial loans to corporate entities, and acts as underwriter in the sale of corporate securities. CGMI was an underwriter of the 6.875% Notes offering, the 6.75% Notes offering, the 5.625% Notes offering and the 7% Notes offering.

41. Defendant RBC Capital Markets Corporation ("RBC Capital") offers corporate and investment banking services to corporations, governments, and institutions. The firm's services include public and private placement of debt and equity securities, strategic alliances, mergers and acquisitions advice, corporate finance, equity and debt underwriting, and structured and project finance. RBC Capital is based in Toronto, Canada. RBC Capital was an underwriter of 6.875% Notes offering.

42. Defendant Greenwich Capital Markets, Inc. ("Greenwich"), now-known as RBS Securities, Inc., is the Royal Bank of Scotland Group's U.S. investment bank/broker-dealer that specializes in fixed income arbitrage and other fixed income strategies. Greenwich is based in Stamford, Connecticut. Greenwich was an underwriter of the 6.875% Notes offering.

43. Defendant SunTrust Capital Markets, Inc. ("SunTrust") is a full-service investment banking and capital markets company that provides capital raising, strategic advisory, risk management, and investment solutions to corporate clients across the nation. SunTrust was an underwriter of the 6.875% Notes

offering, the 7% Notes offering and the 5,625% Notes offering.

44. Defendant ABN AMRO Inc. ("ABN") provides investment advice and related services regarding securities, fixed income, and futures products. ABN provides its services to financial institutions, corporations, governments, fiduciaries, individual investors, professional investors, and securities and commodities dealers. ABN operates as a subsidiary of ABN AMRO Bank N.V. ABN was an underwriter of the 6.75% Notes offering.

45. Defendant ANZ Securities, Inc. ("ANZ") is a boutique investment banking firm that offers financial advisory services. The firm provides merger and acquisition, trade finance, export finance, structured finance, corporate banking, currency options, and structured credit derivatives. ANZ operates as a subsidiary of ANZ Bank based in Melbourne, Australia. ANZ is headquartered in New York, New York. ANZ was an underwriter of the 6.75% Notes offering and the 7% Notes offering.

46. Defendant CIBC World Markets Corp. ("CIBC") is the investment banking subsidiary of the Canadian Imperial Bank of Commerce. The firm operates as an investment bank both in the domestic and international equity and debt capital markets. CIBC is headquartered in Toronto, Ontario. CIBC was an underwriter of the 6.75% Notes offering.

47. Defendant HSBC Securities (USA) Inc. ("HSBC") is an investment banking firm that provides financial advisory services. The firm's services include mergers and acquisitions, capital raising, privatization, and strategic advice. HSBC operates as

a subsidiary of HSBC Investments (North America) Inc. HSBC was an underwriter of the 6.75%.Notes offering and the 6.50% Notes offering.

48. Defendant HVB Capital Markets, Inc. ("HVB") is a securities broker/dealer. HVB was an underwriter of the 6.75% Notes offering and the 6.50% Notes offering.

49. Defendant Caj a de Ahorros y Monte de Piedad de Madrid ("Caj a Madrid") operates as a savings bank in Spain. It primarily offers products and services in banking, insurance, and asset management and brokerage sectors. Caja Madrid provides an array of products and services, including guarantees, credit lines, loans, leasing products, bill discounting, mutual funds, factoring, customized financing, financial advice, and foreign trade operations. Caja Madrid was an underwriter of the 6.50% Notes offering.

50. Defendant National Australia Capital Markets, LLC ("NACM") is a securities broker/dealer. NACM was an underwriter of the 6.50% Notes offering.

51. Defendant Santander Investment Securities Inc. ("Santander") is a securities and money management firm that offers full securities brokerage services, including retail and institutional sales, trading, investment banking, asset management and research. Santander is the U.S. retail securities broker-dealer arm of Grupo Santander, the largest financial group in Spain and Latin America. Santander was an underwriter of the 6.50% Notes offering.

52. Defendant BNP Paribas S.A. ("BNP") is a France-based bank group with operations throughout

the world. BNP was an underwriter of the 5.625% Notes offering.

53. Defendant ING Financial Markets LLC ("ING") offers investment banking and corporate financial services. ING is based in New York, New York and operates as a subsidiary of ING Groep NV. ING was an underwriter of the 5.625% Notes offering.

54. Defendant Mellon Financial Markets, LLC ("Mellon") is an investment banking and full-service securities dealer firm specializing in public finance, asset-backed finance and institutional sales, servicing hundreds of institutional client. Mellon was an underwriter of the 5.625% Notes offering and the 7% Notes offering.

55. Defendant M.R. Beal & Company ("MR Beal") is a full-service investment banking firm, which includes public finance, corporate debt and equity, fixed-income sales and trading, and financial advisory services. MR Beal was an underwriter of the 5.625% Notes offering.

56. Defendant Natexis Bleichroeder Inc. ("Natexis") provides securities brokerage, equity trading, and research services to individuals, corporations, and institutional investors. Natexis offers corporate finance services, including mergers and acquisitions, divestitures, and investment advice. Natexis is headquartered in New York, New York. Natexis was an underwriter of the 5.625% Notes offering.

57. Defendant SG Americas Securities, LLC ("SG Americas") provides investment banking services. It focuses on capital markets, securities, underwriting, mergers and acquisitions, derivatives, and trading

services. SG Americas is based in New York, New York and operates as a subsidiary of Societe Generale Group. SG Americas was an underwriter of the 5.625% Notes offering.

58. Defendant Wells Fargo Securities, LLC ("Wells Fargo") is an investment services division of Wells Fargo Bank. Wells Fargo provides investment banking services in the United States and offers capital markets access through public offerings, private placements, and debt offerings, which include new issue underwriting of high yield bonds and 144A private placements, as well as market making, research, and equity trading. Wells Fargo also provides advisory services for mergers and acquisitions. Wells Fargo was an underwriter of the 5.625% Notes offering and the 7% Notes offering.

59. Defendant Wachovia Capital Markets, LLC ("Wachovia"), which became part of defendant Wells Fargo in 2009, provides debt and equity underwriting, mergers and acquisitions, loan syndications, debt and equity sales and trading, tax-exempt products, research and economics, and certain hedging products such as equity derivatives. Wachovia was an underwriter of the 6. 75% Notes offering.

60. Defendant Harris Nesbitt Corp. ("Harris Nesbitt") an investment bank, provides investment and corporate banking services in the United States. It offers various financial products and services, including equity and debt underwriting, corporate lending and project financing, merger and acquisitions advisory services, merchant banking, securitization, treasury and market risk management, debt and equity research and institutional sales and trading.

Harris Nesbitt is headquartered in New York, New York. Harris Nesbitt was an underwriter of the 7% Notes offering.

61. Defendant DZ Financial Markets LLC ("DZ Financial") provides securities brokerage and underwriting services and is based in New York, New York. DZ Financial was an underwriter of the 7% Notes offering

62. Defendant Mizuho Securities USA Inc. ("Mizuho") offers underwriting, sales and trading of securities and is a financial derivatives brokerage. Mizuho is based in New York, New York and operates as a subsidiary of Mizuho Securities Co., Ltd. Mizuho was an underwriter of the 7% Notes offering.

63. Defendant Scotia Capital (USA) Inc. ("Scotia") is a wholly owned subsidiary of Scotia Capital Inc., which offers multi-product solutions to clients' financial needs in the United States. Additionally, it offers mergers and acquisitions advisory, private placement, negotiation assistance, due diligence, and restructuring services and provides research, equity sales and trading. Scotia was an underwriter of the 7% Notes offering.

64. Defendant Sovereign Securities Corporation, LLC ("Sovereign") is a security brokerage firm. The firm underwrites municipal debt focusing on short-term instruments such as tax bond, and tax and revenue anticipatory notes. Additionally, Sovereign advises, structures, underwrites, and services the needs of issuers of taxable and tax exempted debt. Sovereign is headquartered in Philadelphia, Pennsylvania and operates as a subsidiary of

Santander Holdings USA, Inc. Sovereign was an underwriter of the 7% Notes offering.

65. Defendant Utendahl Capital Partners, L.P. ("Utendahl") is a boutique investment bank. Utendahl's products and services include underwriting and trading of fixed-income, equity and convertible securities, general corporate finance, structured finance, mergers and acquisitions and asset management. Utendahl was acquired by Williams Capital on or about January 10, 2010. Utendahl was an underwriter of the 7% Notes offering.

66. Defendant Fortis Securities LLC ("Fortis") is an integrated financial services provider engaged in providing business support services. Fortis was an underwriter of the 5.625% Notes offering.

67. Defendant Muriel Siebert & Co., Inc. ("Muriel Siebert") is a stock discount brokerage firm which traded in municipal bonds, government agency bonds, corporate bonds and equities. Muriel Siebert was an underwriter of the 6.75% Notes offering.

68. Defendant Daiwa Securities SMBC Europe Limited ("Daiwa") is an investment banking firm that provides equity, fixed income, investment banking, derivatives, and strategic advisory services. The firm also underwrites and manages new issues, and carries out trading and sales of secondary securities. Daiwa Securities SMBC Europe Limited changed its name to Daiwa Capital Markets Europe Limited in January 2010. Daiwa was an underwriter of the 5.625% Notes offering and the 7% Notes offering.

69. The defendants referenced in ¶¶ 35-68 above are referred to herein as the "Underwriter Defendants."

70. The Underwriter Defendants are liable for the false and misleading statements in the Registration Statement. In connection with the Offerings, the Underwriter Defendants drafted and disseminated the Registration Statement and were paid fees in connection therewith. The Underwriter Defendants' failure to conduct an adequate due diligence investigation was a substantial factor leading to the harm complained of herein.

* * *

COUNT III

For Violation of §11 of the 1933 Act

Against Defendants O'Meara, the Director Defendants and the Underwriter Defendants

191. Plaintiff repeats and realleges the allegations set forth above as if set forth fully herein. For purposes of this Count, plaintiff expressly excludes and disclaims any allegation that could be construed as alleging fraud or intentional or reckless misconduct, as this Count is based solely on claims of strict liability and/or negligence under the 1933 Act.

192. This Count is brought pursuant to §11 of the 1933 Act, 15 U.S.C. §77k, against defendants O'Meara, the Director Defendants and the Underwriter Defendants.

193. The Registration Statement for the Offerings was inaccurate and misleading, contained untrue statements of material facts, omitted to state other facts necessary to make the statements made not misleading, and omitted to state material facts required to be stated therein.

194. The defendants named herein were responsible for the contents and dissemination of the Registration Statement.

195. Each of the Director Defendants and O'Meara signed or authorized the signing of the Registration Statement or was identified in the Offering Documents.

196. The Underwriter Defendants were responsible for the contents and dissemination of the Registration Statement and did not perform adequate due diligence. The Underwriter Defendants were underwriters of certain of the Offerings. The Underwriter Defendants acted negligently and are liable to plaintiff who purchased or otherwise acquired the Lehman Notes sold pursuant or traceable to the Offerings in which each Underwriter Defendant participated.

197. None of the defendants named herein made a reasonable investigation or possessed reasonable grounds for the belief that the statements contained in the Registration Statement were true and without omissions of any material facts and were not misleading.

198. By reason of the conduct herein alleged, each defendant named herein violated, and/or controlled a person who violated, § 11 of the 1933 Act.

199. Plaintiff acquired the Lehman Notes pursuant and/or traceable to the Registration Statement for the Offerings.

200. The defendants named in this Count owed to plaintiff the duty to make a reasonable and diligent investigation of the statements contained in the

Registration Statement, and any incorporated documents, at the time each such Offering became effective to ensure that said statements were true and that they were not misleading. Defendants O'Meara, the Director Defendants and the Underwriter Defendants did not make a reasonable investigation or possess reasonable grounds to believe that the statements contained in the Registration Statement were true, were without omissions of any material facts, and were not misleading. Accordingly, defendants O'Meara, the Director Defendants and the Underwriter Defendants acted negligently and are therefore liable to plaintiff.

201. At the time of its purchases of the Lehman Notes, plaintiff was without knowledge of the facts concerning the wrongful conduct alleged herein and could not have reasonably discovered those facts prior to 2008. Less than one year, as tolled by the pending class action, has elapsed from the time that plaintiff discovered or reasonably could have discovered the facts upon which this Count is based from the time that the initial complaint was filed asserting claims arising out of the Registration Statement. Less than three years, as tolled by the pending class action, has elapsed from the time that the securities upon which this Count is brought were offered in good faith to the public to the time that the initial complaint was filed.

* * *

EXCERPTS FROM JUDGMENT AND ORDER APPROVING SETTLEMENT BETWEEN LEAD CLASS PLAINTIFFS AND THE SETTLING UNDERWRITER DEFENDANTS

This matter came for hearing on April 12, 2012 (the "Settlement Hearing"), on the application of the Settling Parties to determine (i) whether the terms and conditions of the Stipulation of Settlement and Release dated December 2, 2011 (the "First Underwriter Stipulation") between Lead Plaintiffs, on behalf of the UW Settlement Class, and A.G. Edwards & Sons, Inc.; ABN AMRO Inc.; ANZ Securities, Inc.; Banc of America Securities LLC; BBVA Securities Inc.; BNP Paribas; BNY Mellon Capital Markets, LLC; Caja de Ahorros y Monte de Piedad de Madrid; Calyon Securities (USA) Inc. (n/k/a Credit Agricole Corporate and Investment Bank); CIBC World Markets Corp.; Citigroup Global Markets Inc.; Commerzbank Capital Markets Corp.: Daiwa Capital Markets Europe Limited (f/k/a Daiwa Securities SMBC Europe Limited); DnB NOR Markets Inc. (the trade name of which is DnB NOR Markets); DZ Financial Markets LLC; Edward D. Jones & Co., L.P.; Fidelity Capital Markets Services (a division of National Financial Services LLC): Fortis Securities LLC: BMO Capital Markets Corp. (t/k/a Harris Nesbitt Corp.); HSBC Securities (USA) Inc.; ING Financial Markets LLC; Loop Capital Markets, LLC; Mellon Financial Markets, LLC (n/k/a BNY Mellon Capital Markets, LLC); Merrill Lynch, Pierce, Fenner & Smith Inc.; Mizuho Securities USA Inc.; Morgan Stanley & Co. Inc.; nabCapital Securities, LLC (n/k/a nabSecurities, LLC); National Australia Bank Ltd.; Natixis Bleichroeder Inc. (n/k/a Natixis Securities Americas

LLC); Raymond James & Associates, Inc.; RBC Capital Markets, LLC (f/k/a RBC Dain Rauscher Inc.); RBS Greenwich Capital (n/k/a RBS Securities Inc.); Santander Investment Securities Inc.; Scotia Capital (USA) Inc.; SG Americas Securities LLC; Sovereign Securities Corporation LLC; SunTrust Robinson Humphrey, Inc.; TD Securities (USA) LLC: UBS Securities LLC; Utendahl Capital Partners, L.P.; Wachovia Capital Finance; Wachovia Securities, LLC (n/k/a Wells Fargo Securities, LLC); and Wells Fargo Securities, LLC (collectively, the "First Group of Settling Underwriter Defendants") are fair, reasonable, and adequate for the settlement of all Settled Claims, including all claims asserted by Lead Plaintiffs against the Settling Underwriter Defendants in the Third Amended Class Action Complaint for Violations of the Federal Securities Laws (the "Complaint") now pending in this Court in the above-captioned consolidated class action (the "Action"), and should be approved; (ii) whether the terms and conditions of the Stipulation of Settlement and Release dated December 9. 2011 (the "Second Underwriter Stipulation"), largely adopting the First Underwriter Stipulation, between Lead Plaintiffs, on behalf of the UW Settlement Class, and Cabrera Capital Markets LLC; Charles Schwab & Co., Inc.; HVB Capital Markets, Inc.; Incapital LLC; MRB Securities Corp., as general partner of M.R. Beal & Company (M.R. Beal & Company, together with its owners and partners); Muriel Siebert & Co., Inc. and Siebert Capital Markets; and Williams Capital Group L.P. (collectively, the "Second Group of Settling Underwriter Defendants" and, together with the First Group of Settling Underwriter Defendants, the

"Settling Underwriter Defendants") are fair, reasonable, and adequate for the settlement of all Settled Claims, including all claims asserted by Lead Plaintiffs against the Settling Underwriter Defendants in the Complaint now pending in this Court in the Action, and should be approved; and (iii) whether judgment should be entered (a) dismissing the Complaint on the merits, with prejudice and without costs, in favor only of the Settling Underwriter Defendants and the other Released Underwriter Parties and as against all persons or entities who are members of the UW Settlement Class herein who have not requested exclusion therefrom, (b) releasing the Settled Claims as against the Settling Underwriter Defendants and all other Released Underwriter Parties, and (c) entering a Bar Order and judgment reduction provision, as set forth in paragraphs 12 and 13 herein, in connection with this Action. The Court having considered all matters submitted to it at the Settlement Hearing and otherwise; and it appearing that a notice of the Settlement Hearing substantially in the form approved by the Court was mailed to all persons and entities reasonably identifiable as members of the UW Settlement Class, and that a summary notice of the Settlement Hearing substantially in the form approved by the Court was published in the national edition of *The Wall Street Journal* and *Investor's Business Daily* pursuant to the specifications of the Court.

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

I. This Judgment hereby incorporates by reference the definitions in the First Underwriter Stipulation and the Second Underwriter Stipulation (together, the

"Stipulations"), and all capitalized terms used herein shall have the same meaning as set forth in the First Underwriter Stipulation for purposes of the settlement with the First Group of Settling Underwriter Defendants and the same meaning as set forth in the Second Underwriter Stipulation for purposes of the settlement with the Second Group of Settling Underwriter Defendants including, but not limited to:

a. "Released Underwriter Parties" shall mean any and all of the Settling Underwriter Defendants and their respective current and former trustees, officers, directors, principals, predecessors, successors, assigns, attorneys, parents, affiliates, employers, employees, agents, and subsidiaries, but specifically does not include any Non-Settling Defendant.

b. "Released Underwriter Parties' Claims" shall mean any and all claims and causes of action of every nature and description, whether known claims or Unknown Claims, whether arising under federal, state, common or foreign law, that arise out of or relate in any way to the institution, prosecution, or settlement of the claims against the Settling Underwriter Defendants, except for claims relating to the enforcement of the Settlement.

c. "Settled Claims" shall mean any and all claims, rights, demands, liabilities and causes of action of every nature and description, to the fullest extent that the law permits their release in this Action, whether known claims or Unknown Claims, whether arising under federal, state, common or foreign law, whether class or individual in nature, that Lead Plaintiffs or any other members of the Settlement Class: (a) alleged in the Complaint, or (b) could have asserted in any

forum that arise out of or are based upon or are related to the allegations, transactions, facts, matters or occurrences, representations or omissions involved, set forth, or referred to in the Complaint and that arise out of the Settlement Class Member's purchase or acquisition of the Lehman Securities pursuant or traceable to the Shelf Registration Statement and Offering Materials incorporated by reference in the Shelf Registration Statement. Notwithstanding the foregoing, the Settlement Class, through the release in this Settlement, will not release (i) any claims against the Non-Settling Defendants; (ii) the claims asserted in any ERISA action or mortgage-backed securities action, including such claims submitted against any of the debtors in the Lehman Bankruptcy Proceedings or the LBI SIPA Proceeding; (iii) any claims or interests in the Lehman Bankruptcy Proceeding or the LBI SIPA Proceeding asserted by an individual Settlement Class Member based solely upon the ownership of any Lehman security which is entitled to a distribution under any confirmed plan of reorganization in the Lehman Bankruptcy Proceeding because of such ownership; or (iv) claims relating to the enforcement of the Settlement.

2. This Court has jurisdiction to enter this Judgment. The Court has jurisdiction over the subject matter of the Action and over all parties to the Action, including all UW Settlement Class Members.

3. The Court hereby affirms its findings in its Order Concerning Proposed Settlement with the Settling Underwriter Defendants dated December 15, 2011 (the "Preliminary Order"), that for purposes of the UW Settlement only, the prerequisites for a class action under Rules 23(a) and (b)(3) of the Federal

Rules of Civil Procedure have been satisfied in that: (a) the number of UW Settlement Class Members is so numerous that joinder thereof is impracticable; (b) there are questions of law and fact common to the UW Settlement Class; (c) the claims of the UW Settlement Class Representatives are typical of the claims of the UW Settlement Class; (d) the UW Settlement Class Representatives and Lead Counsel have and will fairly and adequately represent the interests of the UW Settlement Class; (e) the questions of law and fact common to the members of the UW Settlement Class predominate over any questions affecting only individual members of the UW Settlement Class; and (f) a class action is superior to other available methods for the fair and efficient adjudication of the controversy.

4. The Court further affirms its determinations in the Preliminary Order and finally certifies, for purposes of the UW Settlement only, pursuant to Rule 23(a) and Rule 23(b)(3) of the Federal Rules of Civil Procedure, the Action to proceed as a class action on behalf of all persons or entities who purchased or otherwise acquired Lehman securities identified in Appendix A to the First Underwriter Stipulation ("Lehman Securities") pursuant or traceable to the Shelf Registration Statement and Offering Materials incorporated by reference in the Shelf Registration Statement and who were damaged thereby. The UW Settlement Class includes registered mutual funds, managed accounts, or entities with nonproprietary assets managed by any of the Released Underwriter Parties including, but not limited to, the entities listed on Exhibit C attached to the First Underwriter Stipulation, who purchased or otherwise acquired

Lehman Securities (each, a "Managed Entity"). Excluded from the UW Settlement Class are (i) Defendants, (ii) the officers and directors of each Defendant, (iii) any entity (other than a Managed Entity) in which a Defendant owns, or during the period July 19, 2007 to September 15, 2008 (the "Underwriter Settlement Class Period") owned, a majority interest, (iv) members of Defendants' immediate families and the legal representatives, heirs, successors or assigns of any such excluded party, and (v) Lehman. Also excluded from the UW Settlement Class are the persons and entities who timely and validly requested exclusion from the UW Settlement Class as listed on Exhibit 1 annexed hereto.

5. Pursuant to Rule 23 of the Federal Rules of Civil Procedure, for purposes of the UW Settlement only, this Court affirms its findings in the Preliminary Order that the UW Settlement Class Representatives arc adequate class representatives and finally certifies them as UW Settlement Class Representatives, and finally certifies the law firms of Bernstein Litowitz Berger & Grossmann LLP and Kessler Topaz Meltzer & Check, LLP as Class Counsel pursuant to Rule 23(g) of the Federal Rules of Civil Procedure.

6. Notice of the pendency of this Action as a class action and of the proposed UW Settlement was given to all UW Settlement Class Members who could be identified with reasonable effort. The form and method of notifying the UW Settlement Class of the pendency of the Action as a class action and of the terms and conditions of the proposed UW Settlement met the requirements of due process, Rule 23 of the Federal Rules of Civil Procedure, Section 27 of the Securities

Act of 1933, 15 U.S.C. §77z-1 (a)(7), as amended by the Private Securities Litigation Reform Act of 1995, and constituted the best notice practicable under the circumstances, and constituted due and sufficient notice to all persons and entities entitled thereto.

7. Pursuant to and in compliance with Rule 23 of the Federal Rules of Civil Procedure, the Court hereby finds that due and adequate notice of these proceedings was directed to all persons and entities who are UW Settlement Class Members, advising them of the UW Settlement, of Lead Counsel's intent to apply for attorneys' fees and reimbursement of Litigation Expenses associated with the Action, and of their right to object thereto, and a full and fair opportunity was accorded to all persons and entities who are UW Settlement Class Members to be heard with respect to the foregoing matters. Thus, it is hereby determined that all UW Settlement Class Members who did not timely and validly elect to exclude themselves by written communication received by the claims administrator no later than the date set forth in the Notice and the Preliminary Order, are bound by this Judgment.

* * *

18. Without further Order of the Court, the parties may agree to reasonable extensions of time to carry out any of the provisions of the Stipulations.

19. There is no just reason for delay in the entry of this Judgment and immediate entry by the Clerk of the Court is expressly directed.

Dated: April 25, 2012

/s/ Lewis A. Kaplan

The Honorable Lewis A. Kaplan

United States District Judge

Exhibit 1

Persons and Entities Excluded from the UW Settlement Class

* * *

3. California Public Employees' Retirement System c/o Robbins Geller Rudman & Dowd LLP

San Diego, CA

* * *

EXCERPTS FROM NOTICE OF PENDENCY OF CLASS ACTION AND PROPOSED SETTLEMENT WITH THE SETTLING UNDERWRITER DEFENDANTS, SETTLEMENT FAIRNESS HEARING AND MOTION FOR ATTORNEYS' FEES AND REIMBURSEMENT OF LITIGATION EXPENSES

If You Purchased or Acquired the Lehman Securities Described Below, You Could Get Payments from Legal Settlements with Certain Defendants.

A U.S. Federal Court authorized this Notice. This is not a solicitation from a lawyer.

- Multiple settlements have been reached in the class action lawsuit *In re Lehman Brothers Equity/Debt Securities Litigation*, No. 08-CV-5523-LAK (S.D.N.Y.) (the "Action"). This notice addresses the settlements reached with all but one of the underwriters named as defendants in the Action (the "Underwriter Settlement").[1] The initial settlement was reached with the first group of settling Underwriter Defendants in the amount of $417,000,000 pursuant to a Stipulation of Settlement and Release executed on December 2, 2011 (the "First Underwriter Stipulation"). The second settlement was reached with the second

[1] The $90 million settlement reached with the director and officer defendants (the "D&O Settlement") is addressed briefly below in Question 6.

group of settling Underwriter Defendants[2] for additional monetary recoveries in the aggregate amount of $9,218,000 pursuant to a Stipulation of Settlement and Release executed on December 9, 2011 (the "Second Underwriter Stipulation" and together with the First Underwriter Stipulation, the "Stipulations"). The Second Underwriter Stipulation largely adopts the terms of the First Underwriter Stipulation. This notice is directed at all persons and entities who purchased or otherwise acquired Lehman securities identified in Appendix A hereto (the "Lehman Securities") pursuant or traceable to the Shelf Registration Statement and Offering Materials incorporated by reference in the Shelf Registration Statement and were damaged thereby (the "Underwriter Class").[3]

- The Underwriter Settlement is comprised of $426,218,000 in cash (the "Underwriter Settlement Amount") plus any interest or income earned thereon (the "Underwriter Settlement Fund") for the benefit of the Underwriter Class. Estimates of average recovery per damaged security are set

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[2] The first group of settling Underwriter Defendants and the second group of settling Underwriter Defendants shall be jointly referred to as the "Settling Underwriter Defendants," as defined in Part 1 of the Section entitled "Basic Information," below.

[3] The Shelf Registration Statement refers to the shelf registration statement filed by Lehman Brothers Holdings Inc. ("LBHI") with the U.S. Securities and Exchange Commission ("SEC") on Form S-3 and dated May 30, 2006, together with any amendments thereto, as well as any materials incorporated by reference therein. The Offering Materials refer to the materials incorporated by reference in the Shelf Registration Statement.

forth on Appendix C hereto. Underwriter Class Members should note, however, that these are only estimates based on the overall number of potentially damaged securities in the Underwriter Class. Some Underwriter Class Members may recover more or less than these estimated amounts depending on, among other factors, how many Underwriter Class Members submit claims, when and the prices at which their Lehman Securities were purchased, acquired or sold, and what security they purchased, acquired or sold. In addition, as set forth in Question 19 below, Lead Counsel (as defined below) will seek approval for attorneys' fees in an amount not to exceed 17.5% of the Underwriter Settlement Amount, plus interest thereon, and for reimbursement of costs incurred by Lead Counsel and other counsel to Named Plaintiffs (as defined below) in connection with commencing and prosecuting the Action and the costs and expenses of the Lead Plaintiffs (as defined below) (collectively, the "Litigation Expenses") in an amount not to exceed $2.5 million, plus interest thereon. The total amount of Litigation Expenses awarded by the Court will be paid to Lead Counsel from the D&O Settlement and the Underwriter Settlement in *pro rata* amounts. If the Court approves Lead Counsel's application for attorneys' fees and Litigation Expenses (as set forth in Question 19 below), the estimated average cost per damaged security will be as set forth on Appendix C hereto.

- If the Underwriter Settlement is approved by the Court, it will result in (i) the distribution of the Underwriter Settlement Fund, minus certain

Court-approved fees, costs and expenses as described herein, to investors who submit valid claim forms; (ii) the release of the Settling Underwriter Defendants (as defined below) and certain other related parties, as identified in Question 1 below, from further lawsuits that are based on, arise out of, or relate in any way to the facts and claims alleged, or that could have been alleged, in the Action; and (iii) the dismissal with prejudice of the claims against the Settling Underwriter Defendants. The Underwriter Settlement also avoids the costs and risks of further litigation against these defendants.

- The Underwriter Settlement does not resolve claims against any other defendant in the Action, and the Action will continue against Ernst & Young, LLP ("E&Y"), Lehman Brothers Holdings Inc.'s outside auditor during the relevant time period, and the remaining, non-settling underwriter defendant, UBS Financial Services, Inc. (the "Non-Settling Defendants"). Please Note: The Underwriter Settlement is separate and apart from the D&O Settlement, the proposed $90 million settlement Lead Plaintiffs reached with certain of Lehman's officers and directors during the relevant time period. You should have received a notice for the D&O Settlement along with this Notice. *See* Question 6 below for more details. You are not automatically in both settlements as they cover different securities in some instances, so you should read both notices to determine if you are eligible to participate in each settlement.

* * *

12. What am I giving up as part of the Underwriter Settlement?

If the Underwriter Settlement is approved by the Court and becomes final, you will be releasing the Settling Underwriter Defendants (as set forth in Question 1 above) and the Released Underwriter Parties (as set forth in Question 1 above) for all of the Settled Claims defined in paragraph 1(ii) of the First Underwriter Stipulation and paragraph 1(ii) of Exhibit A to the Second Underwriter Stipulation. These claims are called "Settled Claims" and are those brought in this case or that could have been raised in the case, as fully defined in the First Underwriter Stipulation and Second Underwriter Stipulation. Copies of the Stipulations are available at www.LehmanSecuritiesLitigationSettlement.com. The First Underwriter Stipulation describes the Settled Claims with specific description, in necessarily accurate legal terminology, so please read it carefully.

The Settling Parties will also seek, among other things, a judgment reduction order in connection with the Judgment in the Action. A judgment reduction order generally reduces the liability of non-settling defendants and/or certain other parties for common damages by the greater of the settlement amount paid by or on behalf of the settling defendants for common damages or the percentage share of responsibility of the settling defendants for common damages.[5]

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[5] The Settling Parties will also seek to include in the Judgment a "bar order" that will, among other things, bar certain claims for contribution and indemnification against or by the

* * *

Excluding Yourself From the Underwriter Settlement

If you do not want a payment from the Underwriter Settlement, but you want to keep the right to sue or continue to sue the Settling Underwriter Defendants on your own about the same claims being released in the Underwriter Settlement, then you must take steps to exclude yourself from the settlement. This is sometimes referred to as "opting out" of the Underwriter Class. *See* Question 17 below.

15. If I exclude myself, can I get money from the Underwriter Settlement?

No. If you exclude yourself from the Underwriter Class, you will not be able to request a payment from the Underwriter Settlement, and you cannot object to the Underwriter Settlement. You will not be bound by anything that happens in this lawsuit with respect to the Settling Underwriter Defendants, and you may be able to sue the Settling Underwriter Defendants on your own in the future. Excluding yourself from the Underwriter Class will not automatically exclude you from any other, or subsequent, settlement class relating to any future settlement with other defendants. Accordingly, excluding yourself from the Underwriter Class will not automatically exclude you from the settlement class in the D&O Settlement referenced above. A request for exclusion should specifically indicate that you wish to be excluded from

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Settling Underwriter Defendants and/or certain other related parties. The bar order typically does not apply to class members.

the Underwriter Class, the D&O Settlement Class, or both. In the event that you do not specify which settlement class you seek to be excluded from, your request will be interpreted as seeking to be excluded from both the Underwriter Class and the settlement class in the D&O Settlement.

16. If I do not exclude myself, can I sue later?

No. Unless you exclude yourself, you give up any right to sue the Settling Underwriter Defendants or any of the other released parties for the claims being released by the Underwriter Settlement. If you have a pending lawsuit relating to the claims being released in the Action against any of the Settling Underwriter Defendants, you should speak to your lawyer in that case immediately.

17. How do I get out of the Underwriter Settlement?

To exclude yourself from the Underwriter Class, you must send a letter by mail saying that you want to be excluded from the Underwriter Class in the *In re Lehman Brothers Equity/Debt Securities Litigation – Settling Underwriter Defendants Settlement*, Case No. 08-CV-5523 (LAK). Be sure to include your name, address and telephone number. You must also include information concerning your transactions in Lehman Securities, including the date(s), price(s), type(s) and amount(s) of all purchases, acquisitions, and sales of Lehman Securities. The request for exclusion must be signed by the person or entity requesting exclusion. Requests for exclusion will not be valid if they do not include the information set forth above. You must mail your exclusion request so that it is **received** no later than **March 22, 2012** to:

In Re: Lehman Brothers Equity / Debt Securities Litigation

c/o GCG

Claims Administrator

P.O. Box 9821

Dublin, OH 43017-5721

*Please keep a copy of everything you send by mail, in case it is lost or destroyed during mailing.

You cannot exclude yourself over the phone or by e-mail.

Pursuant to the terms of separate supplemental agreements between Lead Plaintiffs and the two groups of Settling Underwriter Defendants, each group of Settling Underwriter Defendants shall have the option to terminate their settlement in the event that members of the Underwriter Class, who purchased and/or acquired a certain amount of Lehman Securities and would otherwise be entitled to participate in the Underwriter Class, timely and validly request exclusion in accordance with the requirements set forth in this Notice.

The Lawyers Representing You

18. Do I have a lawyer in this case?

The Court has appointed the law firms of Bernstein Litowitz Berger & Grossmann LLP and Kessler Topaz Meltzer & Check, LLP to represent you and the other Underwriter Class Members. These lawyers are called Lead Counsel. You may contact them as follows: David R. Stickney, Esq., Bernstein Litowitz Berger & Grossmann LLP, 12481 High Bluff Drive, Suite 300, San Diego, CA 92130 (866) 648-2524,

blbg@blbglaw.com, or David Kessler, Kessler Topaz Meltzer & Check, LLP, 280 King of Prussia Road, Radnor, PA 19087, (610) 667-7706, info@ktmc.com. You will not be separately charged for these lawyers beyond your *pro rata* share of any attorneys' fees and expenses awarded by the Court that will be paid from the Underwriter Settlement Fund. If you want to be represented by your own lawyer, you may hire one at your own expense.

19. How will the lawyers be paid?

Lead Counsel have not received any payment for their services in pursuing claims against the Settling Underwriter Defendants on behalf of the Underwriter Class, nor have they been reimbursed for their out-of-pocket expenses. Before final approval of the Underwriter Settlement, Lead Counsel intend to apply to the Court for an award of attorneys' fees, as compensation for investigating the facts, litigating the case and negotiating the settlement, on behalf of all Plaintiffs' Counsel not to exceed 17.5% of the Underwriter Settlement Amount, plus interest thereon. At the same time, Lead Counsel also intend to apply for reimbursement of Litigation Expenses in an amount not to exceed $2.5 million, plus interest thereon. The total amount of Litigation Expenses awarded by the Court will be paid to Lead Counsel from the D&O Settlement and the Underwriter Settlement in *pro rata* amounts. Litigation Expenses may include reimbursement of the expenses of Lead Plaintiffs in accordance with 15 U.S.C. § 77z-1(a)(4). The Court may award less than the requested amounts. Any payments to the attorneys for fees or expenses, now or in the future, will first be approved by the Court.

Objecting to the Underwriter Settlement

You can tell the Court that you do not agree with the Underwriter Settlement or some part of it.

20. How do I tell the Court if I do not like the Underwriter Settlement?

If you are an Underwriter Class Member, you can object to the Underwriter Settlement if you do not like any part of it. To object, you must send a letter to each of the below addressees saying that you object to the Underwriter Settlement in the *In re Lehman Brothers Equity/Debt Securities Litigation – Settling Underwriter Defendants Settlement*, Case No.08-CV-5523 (LAK) and the reasons why you object to the Underwriter Settlement. Be sure to include your name, address, telephone number and your signature. You must also include information concerning all of your transactions in Lehman Securities, including the date(s), price(s), type(s) and amount(s) of all purchases, acquisitions, and sales of the eligible Lehman Securities to confirm that you are a member of the Underwriter Class, including brokerage confirmation receipts or other competent documentary evidence of such transactions. The objection must include a written statement of all grounds for an objection accompanied by any legal support for the objection; copies of any papers, briefs or other documents upon which the objection is based; a list of all persons who will be called to testify in support of the objection; a statement of whether the objector intends to appear at the fairness hearing (*see* Questions 22-24 below); a list of other cases in which the objector or the objector's counsel have appeared either as settlement objectors or as counsel for

objectors in the preceding five years; and the objector's signature, even if represented by counsel. If you are not a member of the Underwriter Class, you cannot object to the settlement as it does not affect you. Any objection to the Underwriter Settlement must be **received** by *each of the following* by **March 22, 2012**:

Clerk of the Court	**Lead Counsel**	**Representative Counsel for the Settling Underwriter Defendants**
UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK Clerk of the Court 500 Pearl Street New York, NY 10007	BERNSTEIN LITOWITZ BERGER & GROSSMANN LLP David Stickney 12481 High Bluff Drive, Suite 300 San Diego, CA 92130-3582 KESSLER TOPAZ MELTZER & CHECK, LLP David Kessler John Kehoe 280 King of Prussia Road	***For the First Group of Settling Underwriter Defendants:*** CLEARY GOTTLIEB STEEN & HAMILTON LLP Mitchell Lowenthal Victor L. Hou Roger Cooper One Liberty Plaza New York, NY 10006 ***For the Second Group of***

	Radnor, PA 19087	***Settling Underwriter Defendants:*** HOWARD RICE NEMEROVSKI CANADY FALK & RABKIN PC Kenneth G. Hausman Three Embarcadero Center Seventh Floor San Francisco, CA 94111-4024

Unless the Court orders otherwise, any Underwriter Class Member who does not object in the manner described above will be deemed to have waived any objection and shall be forever foreclosed from making any objection to the proposed Underwriter Settlement, the proposed Plan of Allocation, or Lead Counsel's request for an award of attorneys' fees and reimbursement of Litigation Expenses. Underwriter Class Members do not need to appear at the fairness hearing (*see* Questions 22-24 below) or take any other action to indicate their approval.

21. What's the difference between objecting and excluding?

Objecting is simply telling the Court that you do not like something about the Underwriter Settlement, the Plan of Allocation, and/or the application for attorneys' fees and Litigation Expenses. You can object ***only if*** you stay in the Underwriter Class. Excluding yourself is telling the Court that you do not want to be part of the Underwriter Settlement. If you exclude yourself, you have no basis to object because the case no longer affects you.

The Court's Fairness Hearing

The Court will hold a hearing to consider whether to approve the Underwriter Settlement, the Plan of Allocation and the application for attorneys' fees and Litigation Expenses. You may attend and you may ask to speak, but you do not have to.

22. When and where will the Court decide whether to approve the Underwriter Settlement?

The Court will hold a fairness hearing at 4:00 p.m., on April 12, 2012, before the Honorable Lewis A. Kaplan at the United States District Court for the Southern District of New York, Daniel Patrick Moynihan United States Courthouse, 500 Pearl St, New York, NY 10007, Courtroom 12D. At this hearing, the Court will consider whether the Underwriter Settlement and the Plan of Allocation are fair, reasonable, and adequate. If there are objections, the Court will consider them. Judge Kaplan will listen to people who have asked to speak at the hearing. Judge Kaplan may also consider Lead Counsel's application for attorneys' fees and Litigation Expenses at this

time. The fairness hearing may occur on a different date without additional notice, so it is a good idea to check www.LehmanSecuritiesLitigationSettlement.com for updated information.

23. Do I have to come to the fairness hearing?

No. Lead Counsel will answer any questions Judge Kaplan may have. But, you are welcome to attend the hearing at your own expense. If you send an objection, you do not have to come to Court to talk about it. As long as your written objection was received on time, the Court will consider it. You may also pay your own lawyer to attend, but it is not required.

24. May I speak at the fairness hearing?

You may ask the Court for permission to speak at the fairness hearing. To do so, you must send a letter stating that it is your "Notice of Intention to Appear in the *In re Lehman Brothers Equity/Debt Securities Litigation*, Case No. 08-MD-CV- 5523 (LAK)." Be sure to include your name, address, telephone number, your signature, and also identify your transactions in Lehman Securities, including the date(s), price(s), type(s) and amount(s) of all purchases, acquisitions, and sales of the eligible Lehman Securities. Your notice of intention to appear must be received no later than March 22, 2012, and must be sent to the Clerk of the Court, Lead Counsel, and Representative Counsel for the Settling Underwriter Defendants, at the addresses listed in Question 20 above. You cannot speak at the hearing if you exclude yourself from the Underwriter Class.

If You Do Nothing

25. What happens if I do nothing at all?

If you do nothing, you will receive no money from this Underwriter Settlement. But, unless you exclude yourself, you will not be able to start a lawsuit, continue with a lawsuit, or be part of any other lawsuit against the Settling Underwriter Defendants or other released parties about the same claims being released in the Underwriter Settlement. You will be able to act on any rights you have against the Non-Settling Defendants.